

AL. SMITH, THE POPE  
AND  
THE PRESIDENCY

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THEODORE SCHROEDER



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THE SOUTHWEST CHRISTIAN SEMINARY

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# AL. SMITH, THE POPE AND THE PRESIDENCY

A SOBER DISCUSSION OF  
THE CHURCH-STATE ISSUE

THEODORE SCHROEDER

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1919

**Authorship** of the book of Mormon. Psychologic tests of W. F. Prince, critically reviewed by Theodore Schroeder \* \* \* to which is now added a bibliography of Schroeder on Mormonism. Reprint [except bibliography]. American Journal of Psychology. (Worcester, Mass.) XXX pp. 66-72. January, 1919. 18p., 65 titles.

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Theodore Schroeder on free speech, a bibliography by Nancy E. Sankey-Jones. (New York.) Free speech league. 1919. 24p., 149 titles.

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**Sankey-Jones, Nancy Eleanor, 1862—**

Theodore Schroeder's use of the psychologic approach to problems of religion, law, criminology and philosophy. A bibliography by Nancy E. Sankey-Jones. (Cos Cob, Conn.) 1920. 16p.

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**Sankey-Jones, Nancy Eleanor, 1862—**

One who is different, to which is now added a bibliography of Theodore Schroeder on the psychology of religion \* \* \*. Published by the author, Cos Cob, Conn., Dec. 1927. 4+ 17pp.

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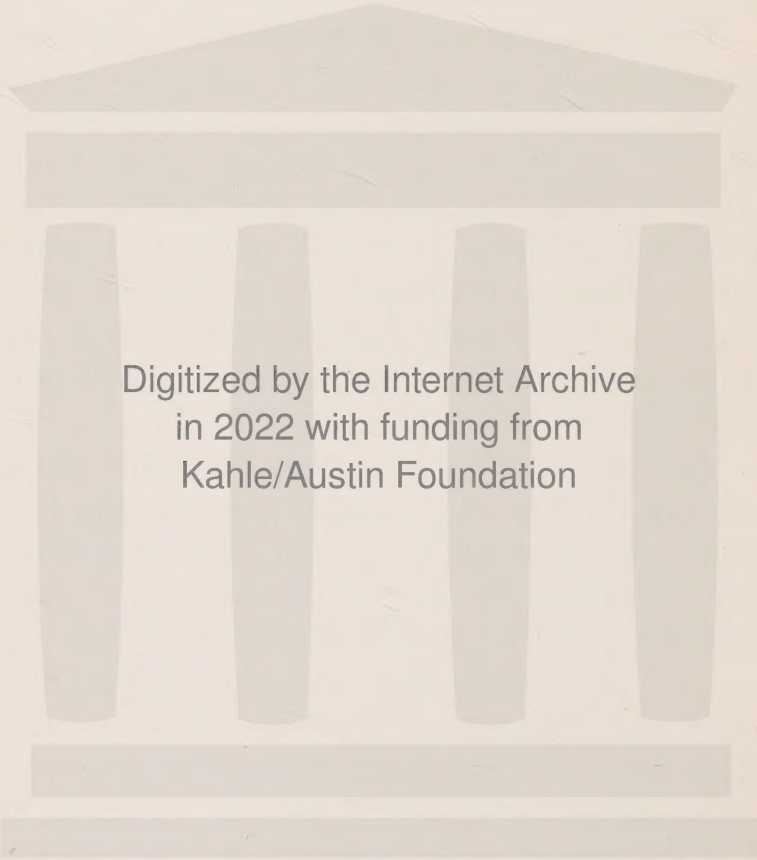
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THEODORE SCHROEDER.





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## INTRODUCTION.

The immediate stimulus for this book is the last year's public correspondence between Mr. C. C. Marshall and Gov. Alfred E. Smith.<sup>1</sup> That correspondence concerned some suspected theocratic ambitions and social politics of the Roman Catholic hierarchy. The question was not whether the suspicions were warranted by the facts. It was rather a question as to whether Gov. Smith's official conduct would be in harmony with the alleged theocratic ambition and social polity, even though these should not be actively encouraged by the hierarchy of his church.

Many Americans were in the throes of some hope and fear concerning Roman Catholic polity when Mr. Marshall published his open letter upon that subject, to Gov. Alfred E. Smith. These fearful persons awaited the Governor's answer with considerable suppressed excitement. The answer has been published. It has probably satisfied all Roman Catholics and very many "liberals." Some other liberals were rudely awakened from a pleasant dream of a perfect religious peace and now have, for the first time, been made aware that there exists an important Church and State issue. Thus many have had their curiosity stirred, without having their new anxiety relieved. I am among those who were for the first time led to inquire, what is the meaning of the Roman Catholic social polity? Of course that is momentarily secondary to an inquiry as to Gov. Smith's personal state of mind about it. It therefore seems very desirable that some critical review of this Marshall-Smith correspondence should be given to the public. In this manner some points that were then inadequately treated can now be more precisely and more fully stated. This will enable Gov. Smith to make a more complete and explicit exposition of his views, for the many who are still in doubt. But always the real question, which concerns voters, is Gov. Smith's opinion and probable conduct about the alleged Roman

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<sup>1</sup>*Atlantic Monthly*, vol. 135. p. 540, Mch. 1927; also p. 721, Apr. 1927. Mr. Marshall's rebuttal appeared in several papers abridged; in full in *N. Y. Sun*, Apr. 18, 1927, and in *Moody's Monthly*, vol. 27, pp. 486-7, June, 1927. The three letters were published together in: *Kourier Magazine* (Atlanta, Ga.), vol. 3 (No. 8), pp. 39-59, July, 1927. Much critical comment is added.

Catholic social polity, which his candidacy has put into the minds of voters. It may well be that a critical review of the open letter signed by Gov. Smith will show that his words are too equivocal to give us any clue, as to his own mental content as symbolized by his statements. Perhaps we really need more information, which Gov. Smith alone can give. Perhaps he will be kind enough to help us.

I have never voted a Republican ticket. My acquaintance with Alfred E. Smith has been wholly through reading. The picture of him which I thus received was wholly pleasant. The melting pot of Oliver Street has made him a good mixer. The early days as an actor have left him an entertaining fellow. The family's relative poverty of his childhood appears to have given him a sympathetic understanding of the unfortunates. This was a partial foundation for a good politician, and made him somewhat liberal in his attitude toward economic problems. I was even attracted by the challenging smile, which is portrayed in one of his popular photographs, and this in spite of its suggestion of cunning.

All this time I was also interested to have our government become more thoroughly secular. I had read a few pamphlets and periodicals which were anti-Romanist, but without being impressed. These were all too emotional. Consequently I never co-ordinated any of my secular predisposition with the known Catholicism of Gov. Smith. Altogether I was very much predisposed in his favor, *until I read his answer to Mr. Marshall's "open letter."* (*Atlantic Monthly*, April, 1927.)

My picture of Gov. Smith included a sort of "rough and ready" realism, in his way of facing problems. This I admired. The absence of the usual cultural indications did not affect me much. Too often this cultural gloss is only a mask which enables the politician to evade the truth, or the better to conceal some sinister motive, behind a tricky special plea. In contrast, I wished to believe that Gov. Smith was above such refined fraud. To be sure, I had never made a critical examination of any of his utterances. It seemed unnecessary. So I just took him for granted, *until I read his answer to Mr. Marshall's "open letter."*

My interest in preserving the existing secularism of

the State, and in enlarging it if possible, made me read Gov. Smith's reply to Mr. Marshall with more care than I had ever before read any of his utterances. With this, my dream-picture of the Governor faded behind a cloud. It seemed to me that not one important question had brought a convincing reply. Neither was he as free from equivocation as I naturally expected from such a rough and ready realist, as I had pictured Alfred E. Smith to be. That it was *his* evasion, made it the more impressive, since evasion was least expected of him. His evasions impelled me to do some reading, to find out just what might be meant by the social polity of the Roman Catholic Church. The evasions also made me suspicious that there might really be something very lively, yet concealed, behind such phrases as "the limbo of defunct controversies." I now read a lot, more than in my whole previous life, on the Roman Catholic controversy. Soon I discovered that every detail in the technique of the Governor's letter is an accurate imitation of the shady technical casuistry used as far back as the seventeenth century. My first disappointment now became a suspicion. That suspicion can still be overcome, if Gov. Smith will face the issue in his usual blunt and realistic way, and will show himself to be a thorough governmental secularist, without equivocation. "A laugh and a wink" is not enough. I am trying to point the way to such a statement by him, by attempting to make it very clear why his former letter is not satisfactory.

I was still further disappointed by the response which my liberal friends gave to Gov. Smith's letter. Men and women whose general sympathies were much like my own, and who were very critical toward much of our political life, seemed suddenly to have lost their critical capacities. So then, I am writing this book also for them. I hope to restore their analytic capacity, and restore the open mind, which will await some further exposition of the Governor's mental content before finally adjudging him to be either a theocratic or a secularistic democrat. The Governor will portray himself, if not by words, then perhaps equally well by his silence. The Marshall-Smith correspondence only serves as the "pleadings" in the case. I demur to his answer as not stating a defense. It remains for the Governor to make a better answer, or



perhaps to take the witness stand and submit to cross-examination.

In a criminal case, silence of the accused will usually induce the court to enter a plea of "not guilty." However, this is not a criminal proceeding. Here Gov. Smith's evasion can be treated as a confession, and judgment may be entered against him by default, because of his failure to make an unequivocal denial. There is here no presumption that the Governor believes in a thoroughly secular interpretation of the Constitution of the United States. The history of the Roman Catholic Church, and his admitted devotion to it, tends to create a tentative presumption that he will give the Bill of Rights a theocratic interpretation. Can he deny unequivocally that tentative imputation made by Mr. Marshall? Or will he allow the governmental secularists to take judgment by default?

If we wish to show a maximum of fairness to a Roman Catholic candidate we will not judge him by a single factor of his creed, nor by a single association. On the contrary we will so far as possible appraise the whole man, wishing to include *all* of his own particular psychology imperatives. To do that, one must generally give more heed to unpremeditated conduct than to studied creedal profession. In the controversies of the seventeenth century it was already declared that it is "a foolish thing to guess at what you [Romanists] mean by what you say when they see what you do." But even to understand some conduct in terms of the impulses behind it and the tendency before it, it is quite indispensable that we have an extended view of nearly the whole of the mental content. Such an appraisal of Gov. Alfred E. Smith would need his generous co-operation. Is he willing to be thus thoroughly understood? If so, he will give us full information, not only as to those of his thoughts or "oily words" which are popular with others, but also his emotional valuation of all political activities associated with religion. To tell us fully just what kind of a religious personality is his, will exalt Gov. Smith as one who would rather be very honest than to achieve political preferment by fraud. Will he be thus wholly frank and fair with the voters, so as to help them to be equally fair toward him?

If any candidate is above achieving high office by means of fraud, and is free from the dominance of his conscience by the social polity of his church, he can have no difficulty in expressing in unequivocal terms his disagreement with that social polity, or at least his disapproval of every claim of "divine" authority that may be made for it. Furthermore, such a candidate will have no difficulty in overcoming the suspicion that he has any mental reservations. The record of his life will do that for him, because a uniform course of action often speaks more truthfully than words. Some act of his will then unmistakably reveal his opposition to increasing the theocratic rule of his own church, as well as that of its rivals.

This little book is written to make clear why the past declarations of our Governor are not satisfactory. It is hoped that Gov. Smith will yet give us a clear exposition of the sense in which he understood the very general, and therefore equivocal, words of the open letter signed by him. It will bring great joy to the camp of all who believe in a thoroughly secular interpretation of our constitutions to find so popular and forceful a politician on their side. Millions of secularists hope that Gov. Smith will declare himself to be their ally. If he is a thorough secularist he will easily disclose himself as such far beyond any suspicion of equivocation. If he cannot thus take the public *completely* into his confidence upon this subject, then many will be impelled to interpret this silence as conclusive evidence of a secret desire to promote the social polity of the Roman Catholic Church, even by means of a subterfuge.

In popular discussion the existing aversion of many, to a Roman Catholic President, is talked of as being an unjust "disqualification." Democrats who would not vote for a Roman Catholic candidate are reproached as bigoted, and such a candidate is talked of as if he were being martyred for his religion. This kind of sentimental "liberalism" appears to some others as being sadly misplaced. There is at present nothing which can properly be called a "disqualification," such as existed in the early days of our republic. Then in some States all clergymen were by law disqualified from holding office, as perhaps is the case in some States of Mexico today. This was for a time thought necessary, in order to pre-

vent a return to a theocratic form of government. When the clergy were supposed to have outgrown theocratic ambitions, these legal restrictions were removed. The thorough secularist's disinclination to vote for Gov. Smith is only an unwillingness to vote for a person who is reasonably suspected of a desire to promote a theocratic rule. It is just like any theocrat's unwillingness to give preferential support to a thorough secularist candidate, who would seek to tax all church property; or a free trader who would not vote for a candidate believed to support a high protective tariff. It is silly to agonize about this as "disqualification" or martyrdom.

There is also a type of excited "liberalism," sometimes adhering to papal candidates, that cannot be explained except on the basis of a psychoneurotic affliction. Such sentimental liberalism often likens the political situation of Catholics to that of Jews. Doubtless there are some Christians whose bigotry really centers around purely theologic differences, rather than around the legislative predisposition of candidates. Such theologically prejudiced persons would naturally discriminate against a Jew, just as they might discriminate against a fellow Christian belonging to a different sect. Thus in New York State, with its alleged 63% of Roman Catholic population, it is probable that many vote against Alfred E. Smith solely because of purely theologic differences, quite dissociated from the disapproval of any Romanist social polity or supremacy of which Gov. Smith may be suspected. All this loss of votes due to anti-Catholic prejudice is evidently overcome by a greater pro-Catholic prejudice. This is shown by the fact that in New York State Gov. Smith is apt to have more votes than other candidates of his party, who are not subject to anti-Catholic prejudice. In popular "liberal" estimation, apparently, pro-Catholic prejudices are not reprehensible, but anti-Catholic predispositions are very deplorable. Some "liberals" are unconsciously amusing.

Similarly there is an unwarranted confusion of the situation as to Romanists and Hebrews. These two classes bear a wholly different relationship to political prejudices. If Mr. Samuel Untermyer or Mr. Justice Brandeis were nominated for the Presidency, there would probably be some crude prejudice against them. I doubt



if either of them can be counted as a wholly orthodox Jew. The prejudice against them could not then be reasonably explained as being the result of any Jewish theology. It would therefore have to be explained as racial, no matter how it was rationalized by its subjects. Such a prejudice would work even against a Christianized Hebrew. Even if these "candidates" are orthodox Jews, I am sure that no one would seek to justify his prejudice by any reasonable claim that these Hebrews were seeking to promote any union of the States with the Jewish Church. The more healthy-minded fear of, or aversion to a Romanist theocracy, and to a candidate suspected of wishing to promote such, is the whole of the sane political opposition to Gov. Smith's "religion." Intelligent liberals will not confuse the two. The Klu Klux Klan is suspected of having a similar and indiscriminating attitude toward Jews and Roman Catholics. I suspect that a fear of such Klu Klux bigotry has driven many Jews and even Agnostic Hebrews into becoming Smith-supporters. This may well be thought their best defense to a common enemy who is felt to be very fanatical.

Practically all italics in the following quotations are mine. I hope that the obvious hasty preparation of this book will not absorb the *whole* attention of the "liberal" critics. I would like them to discover also the nature of the issues which I see, and the point of view with which I approach these issues. Is that too much to expect, even from "liberals"?



## CHAPTER I.

### IF THE POPE WERE PRESIDENT.

The presidential aspirations of Gov. Alfred E. Smith should induce more serious and clarifying thought upon the relationship of religion to politics, and of churches to the State. In this connection the greatest need of our time is that we outgrow our childish and blind emotionalism, which is associated with such words as: Roman Catholic, Klu Klux Klan, Atheism, or even Church and State. It would be a great advance if, instead of merely rationalizing and recording hysterical emotions over such words, we could do a little unemotional thinking about the varieties of meaning and *valuation* which can be read into them. As a preliminary to such a more objective discussion, let us try to brush away a few cobwebs.

Imagine, if you can, that by some miracle the Pope were made President of the United States, while all other conditions remain unchanged. If the Papal-President had the imagination and the audacity of a Mussolini, or of a Lenin, to combine with a proportionately more numerous, a more devoted, and an obviously better organized following than either of the others had, then a "dictatorship of God" might easily result. However, an incurable optimism assures me that **nothing very** revolutionary would *immediately* happen, even with the army and navy under the Papal-President's control. I am such a chronic optimist that I must remain hopeful that even with the Pope as President of this *non-Catholic* nation, he would probably play the game of politics largely according to the habit of his presidential predecessors. Yet there might be the difference of consciously promoting theocratic rule as an end. Like Pope Leo XIII, he could say: "Although, in the extraordinary conditions of these times, the [Roman Catholic] Church usually acquiesces in certain modern liberties, she does so not as preferring them in themselves, but as judging it as expedient to permit them till, in better days, she can assert her own liberty." (Encyclical *Libertas*, 1888.) My



optimism compels me to expect that Protestants, and even Pantheists, Deists, Humanists, Agnostics, and Atheists, would be tolerated for a little longer.

I can easily imagine that instinctively the Pope would act *as if* he thought to more efficiently promote the ideal of a completely Roman Catholic State, by an unobtrusive enticement of Protestants toward aiding in the legislative endorsement of an ever larger part of the Roman Catholic social polity. At this stage of the perpetual game for the religious or "spiritual" control of what the heretics and the ungodly call "purely temporal" affairs, it may be deemed wise for Roman Catholics to set an example which will minimize hostility to the ultimate aim of a completely Roman Catholic State. From the Papal-President's point of view, perhaps the hostility to the Roman Catholic social polity had better not be needlessly stimulated, until the opposition to it can no longer be made effective. Such positions are not unlike those ordinarily used by politicians. Certainly there is no use scolding about it. It is far better that we simply be on our guard against self-deception, if we happen to be thorough secularists.

When I write of making America a Roman Catholic State, I do not mean a State in which *all* citizens accept Roman Catholic theology, morals, and ecclesiasticism as binding upon their consciences; nor do I mean one with a *legally acknowledged* union of States with the Roman Catholic Church. The legal acknowledgment is unimportant, except for tricky casuistry. Such an ideal Roman Catholic State would be one in which the Roman Catholic Church's social polity would approximate closely to a complete legislative expression and effectiveness. This can be accomplished through the indifferentism of many Agnostics, and with the active co-operation of subservient non-Catholic politicians, together with some aggressive aid from ambitious theocratic Protestants. Such a union of Romanism and the American States can best be accomplished while truthfully denying the existence of, or the desire for, an empty yet technically acknowledged union, which may actually be a less complete union. So the practical union of the Roman Catholic Church and the State could be accomplished by having the Church's social polity legalized by piece-meal and

enforced through theocratic constitutional interpretation, rather than by amendment. How many non-Catholics really wish to promote such an "ideal" Roman Catholic State? Can they fool themselves into doing it unawares? Is there any desire, anywhere, for the statutory approval of a Roman Catholic social polity? Does even the Pope desire it?

I am not much of a prophet, and my optimism may mislead me. Perhaps, after all, a Pope as President would establish the political dictatorship of God, right here in the U. S. A. Of this many feel assured, namely, that it is not for any really faithful Roman Catholic layman to criticize or oppose whatever might be done by a Pope acting as President. For his shortcomings, the Pope is held accountable *only* to God. For the faithful layman it is but to give unquestioning obedience. Is Gov. Smith among the thoroughly orthodox Romanists, especially as non-Catholics conceive that orthodoxy? Or, is he among those having an "erroneous conscience"? That is what many non-Catholics wish to know. If Gov. Smith were President, and if he were altogether "humble of heart before the Church and her sincere and submissive son," then it is believed by many that he would not be guilty of any official act of which the Pope would disapprove, and to which the Roman Catholic Church would not be indifferent. Neither would such a President neglect any available opportunity, afforded by his official position, to promote the political and economic interests (the social polity) of the Roman Catholic Church. Under such circumstances there would be little difference as between having some perfectly orthodox Alfred E. Smith as President, and having the Pope as President. This is approximately true only so long as Gov. Smith regards the Pope as an infallible guide as to "morals," which for orthodox Romanists, as we will later see, may include the major part of all human legislation.

So then, if we may impute to Gov. Smith the utmost of Roman Catholic loyalty, then to make him President may be all the same with making a President of the Pope. At any rate, that is the fear of millions of voters. But then, Gov. Smith may not be so "humble of heart" nor so wholly and sincerely a "submissive son of the Church" as some hope and others fear. Secularists will concern

themselves about the papal teachings, only until they are quite satisfied that Gov. Smith will really seek to minimize existing theocratic practices and will persistently thwart all extension of theocratic rule, not only by Protestants, but also such as is generally supposed to be the hope of the Roman Catholic hierarchy. Soon it will be made plain why Gov. Smith's past declarations are wholly inadequate and evasive of the main issue.

I am not much afraid that the Pope or his agents will issue any concrete commands to President Smith, in relation to that which secularists may consider purely human political affairs. I credit the Roman Catholic priesthood with too much sense for such crude methods. The Pope will not need to resort to them. Well-trained, orthodox Roman Catholic consciences probably need no specific instructions in such matters. If any guidance is needed by such, it will be sought, and need not be forced. "A scrupulous person is bound to follow blindly the counsels given him by a prudent director." (Manual of Christian Doctrine, 48th Ed., p. 168.) Automatically, such well-trained conscientious believers usually will instinctively know and do what the "infallible" Pope thinks that God desires. If in doubt, then the "prudent director" is always available. Catholics with an "erroneous conscience" might give less heed to such "counsels" than would some ambitious theocratic Protestant politician. Has Gov. Smith such an "erroneous conscience"? What is the mental content of his well-trained conscience? What is the limit where Gov. Smith's religious conscience ceases to work and his *purely* secular and conscious human political thinking begins? Not until we acquire his definition of that boundary line are we able to get any concrete meaning out of his other general statements. Gov. Smith, please help us!

Much of the distrust of, and the resultant prejudice against the Pope, or a Roman Catholic candidate for the Presidency, is rationalized upon a doctrine for promoting the cause of the "only true Church" by means of justified deception and mental reservations. In support of such prejudice, I have seen Saint Alphonsus Liguori quoted by anti-Catholics to this effect: "Every kind of equivocation or quibbling which just comes short of direct lying, but is intended to deceive the hearer and does in fact deceive



him, is always lawful for a just cause." (Bulletin, Aug., 1927, p. 2.) However we regret it, that persons are so easily led into justifying or glorifying such sophistry, it does no good to inveigh against it. Our only task is to inform ourselves about the technical vocabulary and the intellectual methods of such disputants. There is little enlightenment imparted by denouncing the other fellow, merely because we are too ignorant to interpret his words as he interprets them.

This idea, from St. Alphonsus Liguori, is further expounded in the Catholic Encyclopedia as follows: "The common [Roman] Catholic teaching has formulated the theory of mental reservations as a means by which the claims of both justice and veracity can be satisfied. \* \* \* It was commonly admitted that an equivocal expression need not necessarily be used when the words of the speaker receive a special meaning from the circumstances in which he is placed, or from the position which he holds. Thus, if a confessor is asked about sins made known to him in confession, he should answer: 'I do not know,' and such words as those when used by a priest mean 'I do not know except from my confession,' or 'I do not know as a man,' or 'I have no knowledge of the matter which I can communicate.' All Catholic writers were, and are, agreed that when there is good reason, such expressions as the above may be made use of, and that *they are not lies. Those who hear them may understand them in a sense which is not true, but self-deception may be permitted by the speaker for a good reason.*" (Cath. Encyc., vol. X, p. 195.) This also finds confirmation in the Romanist "Manual of Christian Doctrine." (48th Ed., p. 306.) This is said to be all right because in such circumstances "we [the Roman casuist] merely permit him to deceive himself concerning matters which he has no right to know, and which oftentimes it were better [for his soul perhaps] for him not to know."

Further, the Catholic Encyclopedia says: "When mental reservation is permissible it is lawful to corroborate one's utterance by an oath, if there be adequate cause." (Vol. XI, p. 696.) The "Manual of Christian Doctrine" also says that one is not obliged to keep an oath "when it has for its object something \* \* \* not so good as its contrary." (48th Ed., p. 254.)

I cannot get very excited even about such doctrines. Very few of us would hesitate to lie to an assassin in order to save our lives. The most devoted Romanists consider their soul's salvation as being attainable only through the Roman Catholic Church's approach to Jesus. They may also value their soul-salvation more than life itself. Some of us can therefore give them a sympathetic understanding, even when they consciously try to deceive us about the social polity of their Church. "Lying for the truth's sake" has long been a fine art, and respectable. Said the Apostle Paul: "For if the truth of God hath more abounded through my lie unto his glory, why am I also yet judged as a sinner?" (Romans, III, 7, Douay version of the Bible.) Edgar (in his *Variations of Popery*, pp. 277-295) devotes eighteen long pages of fine print to historic recitals of papal deceptions and repudiation of solemn oaths. (See also: Perrycoste, Frank H., "On the Influence of Religion upon Truthfulness.") And yet it must be remembered that in all matters other than faith and morals, Romanists may have the same sense of values and the same love of truth that are common among non-Catholics. Also we must remember that all Roman Catholics are not in the same degree possessed by a sense of sin, and the consequent need for priestly helps to vicarious atonement through Jesus. In other words: all Catholics are not equally orthodox, equally liberal, equally fanatical, or equally healthy-minded. Therefore we should not prejudge all Roman Catholic candidates as being equally subject to the temptation to deceive, even when the welfare of his Church or its social polity is involved.

However, the fact that such doctrines are being taught by Roman Catholic ecclesiasts, and are given great credit because of their source, may legitimately put us on our guard, when any one claiming to be a Roman Catholic, becomes a candidate for high office, or is engaged in a controversy in which his Church and its social polity are in question. In such a situation, we may at least ask the papal candidate to be a little more explicit than we habitually expect others to be. Beyond that, his adherence to a Church whose authorized spokesmen give moral sanction to such doctrines as promote deception, goes only to the credibility of the candidate. We should avoid

self-deception by familiarizing ourselves with the technique of their controversial methods. We must keep our minds open to discover, and to do full justice to, those Romanists who would not deceive, even to promote their soul-salvation or the social polity of their Church. There are such persons, claiming to be Roman Catholics. Gov. Smith may be one of them, and should not be conclusively prejudged to the contrary.

How then should we approach the political platform of a papal candidate for President? At least since the time of the Jesuit, Bellarmine (1542-1621), the Roman Catholic casuists have developed a very precise and technical jargon, perhaps remotely similar to that which scientists find it necessary to use. Phrases, that are designed to express the technical concepts of Romanist "theology," are now put forth in almost the same words as those that were current in the British controversies during the revolutionary period in the seventeenth century. So it appears that there has also developed a Romanist controversial technique. I can duplicate every detail of the intellectual method that is used in the "open letter" in reply to Mr. Marshall, and signed by Gov. Smith, with the identical methods found in the controversies of the seventeenth century. Such formulations have never been satisfactory to those who have intelligence enough to desire precise definitions and information.

This means that one cannot do intelligent reading of Romanist controversial literature, by the ordinary method used upon "tabloid" newspapers. If we would read such controversial output empathically, we must acquaint ourselves with the Romanists' own technical meaning for the words which they use; and secondly, we must apply to their controversial output all of the essential rules of technical pleading, as a lawyer understands these, when applied to documents used in judicial proceedings. Technicalities are quite as justifiable for Romanists, as for lawyers or scientists. A particular disputant may use a part of such methods for the purpose of deception. That should discredit this disputant, but not lessen the desirability of technical precision. It is in this spirit that I will make a critical review of the Marshall-Smith correspondence. We must be critical to avoid



self-deception, but we must also remain open-minded toward Gov. Smith, because he has convinced many that he is tainted with "flagrant liberalism." Let us ask for more precise information and await his reply.

In the uncatalogued concrete details of practical politics, there are almost as many views as to the proper relations of the Roman Pope to politics, or as to the separation of Church and State, as there are voters. The crucial question (as to which many voters properly wish to know a candidate's views) concerns the boundary line between irreconcilable claims of jurisdiction often made on behalf of religionists in general, and the Pope in particular, especially as these come in conflict with the secularist's claims, made by many Protestants and all Agnostics. If a Pope were directly proposed as President, we would surely want to know where he draws the line between the religious and civil jurisdictions. Why not also make this inquiry of a candidate who accepts the Pope as an infallible guide in political morals?

I can see no reason why such questions should not be asked of *every* candidate, whether for a school board, a legislature, a judgeship, or the Presidency. In fact, it might well be made an issue in every political campaign. There is no sense in making the hypocritical denial, that the issue is not always with us. If some thoroughly theocratic Roman Catholic candidate for the Presidency would make a clear statement as to where he draws the line between the religious and the purely secular function, and if then that definition could be made an issue in the coming political campaign, a most valuable service would be thereby rendered to clearer political thinking. With that same end in view, I will review the Marshall-Smith correspondence, in an attempt to make a more precise statement of the issues involved than I have so far discovered. If in this matter we can get away from the hysterical discussion of patriotism and disloyalty, then we may come to see the issue between the field of politics and religion, as being reducible to a mere difference of temperamental need and of intellectual methods for interpreting our American constitutions. If Gov. Smith, as President, should ever find himself impeached, because in matters of State he is bound to

acknowledge an allegiance higher than that which he yields to the United States, then a part of what follows in this book will furnish an outline for his defense. I gladly offer that suggestion without charging an attorney fee.

## CHAPTER II.

### WHY DISCUSS AND WHAT ABOUT?

Since there seems so little present danger of an *immediate* Roman Catholic revolution, or Roman Catholic United States, why discuss the question further? Why not accept as final the editorials of our "great" newspapers, and the opinion of the village loafer, to the effect that the discussion is closed, because the statement signed by Gov. Smith is all that could be desired? Why not join with those "weighty thinkers" who acclaim "the flagrant liberalism of Al. Smith"? My answer is that I must consider those who are so easily satisfied to be self-deceived. I say this because I do not know in what sense Gov. Smith used his words. The self-deception of liberals is also partly due to the fact that many of them had a blurred vision as to the essentials of the theocratic issue. It is my endeavor to remove this one of the causes for self-deception, and I hope for Gov. Smith's co-operation. Unless he is anxious to benefit by a misunderstanding of his position, it is assumed that he will cheerfully amplify his former statement, so as to remove all doubt as to *his* sense of the equivocal words that were used by him. These uncertainties will be hereinafter pointed out in detail.

Emotional Roman Catholics, of course, will act on faith, if not otherwise, as if they knew the true sentiments of Gov. Smith, or knew that whatever they may be or will become, they are all right, at least as long as he is not excommunicated. Such persons I cannot influence. Some fanatical Protestant theocrats are equally beyond the range of any influence which may be exerted by such a book as this. I have even met Protestants who frankly prefer a Roman Catholic theocracy to a thoroughly secularized State. Neither is this book written for those numerous "liberal intellectuals" who stand with pious awe and trembling solicitude before every word-juggler who uses (or misuses) the sacred words included in their "liberal" creeds. Such fetish-worshipers are also beyond my reach.



I seek to clarify and reformulate the religio-political issues, which are immanent in Gov. Smith's letter and not answered by it. This is being done for those relatively few persons, who are neither hypnotized by the mere rush of meaningless but passionate or honeyed rhetoric, nor are laboring under some morbid suspicion of treachery in *all* Roman Catholics. Consequently this is written for only those who have achieved some capacity for a relatively dispassionate and objective inquiry, even about the mental content of the pleasant phrases that may be uttered by theologians and pious politicians. Others need read no further. Perhaps then it is foolish to waste any time discussing the subject. At any rate, I have few illusions about the importance of this essay. It will have no influence upon Gov. Smith, nor upon the voters at large. The great crowd cannot be reached, and would not be interested if it could be reached. The crowd acts upon its emotions, and I am trying only to help people away from their emotional attitudes, toward a little clearer definition of the issues involved between churches and the State. Only a very few, I fear, really care for such assistance.

However, I do really wish to know what is Gov. Smith's attitude of mind, which is not disclosed by his letter. My dissatisfaction with Gov. Smith's letter is based upon its evasions, its contradictory implications, and upon his contentment with the use of words having only the broadest general meaning, where specific information and definition of his personal meanings and valuations were hoped for. All words, especially words of large general significance, have a great variety of meanings. There is a still greater variety in the relative intensity of the emotional valuations which such words carry (even unconsciously) for each of us. If we wish to predict the probable future conduct of a candidate, it is usually of much less importance to know the words in which he frames his *conscious* thought, than it is to understand his underlying and associated emotions. These are often revealed quite unawares, and constitute the sub-conscious dynamics behind his verbal expressions. Perhaps even Gov. Smith has already made some such unconscious self-revelation. It is these differences of emotional valuation, which induce such various and inconsistent action, even among

those who profess the same general political, moral, and religious creeds. The existence of irreconcilable impulses within an individual, often compels unexpected inconsistencies between statement and conduct. Because of this, general words of uncertain meaning, such as characterize Gov. Smith's letter, easily become the means for expressing both aspects of a double personality. Therefore such words lend themselves to unwarranted suspicion, and equally unwarranted friendly assumptions. To avoid both, we must know more of Gov. Smith's mental content.

I wonder how many non-Catholic "educated" Americans had the intelligence to ask themselves: "In what sense does Gov. Smith use his words? What is the actual mental content symbolized *for him* by his declarations concerning Church and State?" How many thought to ask whether Gov. Smith has really given us any specific information as to his conduct, in the event of a conflict between the claims of superior jurisdiction which may be made by the Pope, or the Roman Catholic Church, and contrary claims made under the secularists' interpretation of our constitutions?

Another reason for discussing the question is, that I am also displeased with the public's reception of the Governor's letter. Some manifested hysterical fits of aversion, while more were equally uncritical in their sentimental devotion to something which they only imagined that Gov. Smith had said. On the whole, the effect of the Marshall-Smith correspondence was so favorable to Gov. Smith, that Mr. Marshall was called upon to publish a denial that his "open letter" was written in collusion with Gov. Smith. (Moody's Monthly, Aug., 1927, p. 569.) I see nothing in the "critical" capacity of the "intelligent" American public, to preclude me from the same fate. Such misunderstandings seems to be the fate of all who attract any public attention. However, I am not much concerned with the fate of any party candidates, as such. I may yet vote for Gov. Smith as the least of the evils among presidential possibilities. All such considerations are quite beside the motives which influence me.

This, then, brings us to the most important justification to be offered for this discussion. Gov. Smith has created a greater interest than ever before existed in the United States, concerning the relationship of politics to religion,

and churches to the State. It seemed well, therefore, that some one should take advantage of that widespread interest as a means of clarifying the issues. This demands less of emotionalism than is usually manifested in such discussions. The more objective attitude will, if it really is such, be accompanied by an approach that is void of theologic or moral values. If it be quite modern, it will concern itself less with mere verbal professions than with efforts to understand the quality of the impulses behind the words. Such, then, is the novelty of this discussion.

For many decades there has been intense effort, by many besides Romanists, to re-establish the supremacy of one or another conception of Christianity in our education and our social legislation. It is desirable that these various and subtle machinations be brought into the limelight. To Gov. Smith is given the rare opportunity to render high service in this connection. To this end he should make a new, clarified, and unequivocal statement of his own position upon this subject, and then insist that rival candidates do the same.

Such an educational service can do much to obviate some possible future necessity for again dis-establishing religion. Just now, even some of our courts are aiding the establishment of religion by piece-meal, through theocratic interpretations of our constitutions. Fantastic? Well, perhaps, at least if you really favor the quiet intrusion of theocracy; or if you have never seen the long-range tendencies observable in historic sequence; or if your other interest or indifference make you as blind as Charles I, or the late Tsar Nicholas.

Having now offered my explanation for indulging in any further discussion of the general subject, we may proceed to consider more in detail what the discussion is to be about. Thus it is hoped to focus the reader's attention more thoroughly upon the very centre of the controversy. In his "open letter" to Gov. Smith, Mr. Marshall quoted the words and cited the acts of some recent Popes, and quoted from other authoritative Roman Catholic authors. All this was offered as evidence tending to prove that officially the Pope claims a rightful and divine authority to dominate the civil power of the State, concerning many matters which non-Catholics regard as

purely secular affairs. Since Gov. Smith is reputed to be a devout Roman Catholic, these doctrines were being logically imputed to him. Mr. Marshall's letter gave Gov. Smith an invitation to specifically repudiate, or to qualify them, if the logical inference was not in harmony with the Governor's actual state of mind. This was thought especially important as to the "twilight zone" wherein the claims of superior "spiritual" jurisdiction, made for the Roman Catholic Church, overlap the claims of exclusive civil jurisdiction, as these claims are made by most non-Catholics.

Mr. Marshall illustrated the conflict in claims of jurisdiction within the "twilight zone" by reference to education, marriage, Mexico, etc. However, the crucial thing in the whole matter underlies all of these more concrete issues. This crucial issue was summarized by Mr. Marshall in this one sentence, namely: "*Citizens who waver in your support, would ask whether, as a Roman Catholic, you accept as authoritative the teachings of the Roman Catholic Church that in case of contradiction, making it impossible for the jurisdiction of that Church and the jurisdiction of the [secular] State to agree, the jurisdiction of the Church shall prevail.*" That question Gov. Smith has never answered, for the general public. The answer to this question necessarily depends upon what we conceive to be the essence, scope, and relative valuation of religion. This issue I wish to drive home by new illustrations, by varied repetitions of the crucial question, and by numerous incidental questions. If Gov. Smith gives us no alternative, but a resort to indirection and logical inference, it will be said that the Governor, by this continuing evasion, admits the justice of Mr. Marshall's imputations. For his evasions there may be some extenuating circumstances in the fact of Gov. Smith having had too many advisers, and not having given enough of his personal attention to the letter signed by him. If after some further clarification of the controversy, the Governor persists in his silence upon the above quoted crucial issue, then we may take it for granted that he cannot make a truthful public answer, because he fears to endanger his soul, or fears to injure his political prospects.

Before proceeding to the analysis of the Marshall-



Smith correspondence, it seems quite necessary to make further justification for the anxiety which called that correspondence into being. To this end chapters three and four will exhibit some of the historic conduct of the Popes, at a time when they controlled the consciences of sufficient men to enforce the claim of papal supremacy, in the "twilight zone" of morals, even upon hostile monarchs. In this connection, it is perhaps most important that the reader should acquire a clear appreciation of the neutral status of the ecclesiasts who could act as these Popes acted. This will be followed by a presentation of their theoretical and theological defenses. This will again exhibit the spirit of the papacy when there were no circumstances to induce quibbling or seductive understatement. If we can achieve a thorough knowledge of all the psychologic implications of these papal acts and defences, it will aid us very much toward understanding the probable import of the quibbles of Gov. Smith's letter. So also may we understand the truer significance of the claim of infallibility and unchangeableness which is made for the papacy.

With so much toward our better preparation for a critical review of Gov. Smith's reply, we may proceed with our criticism. First will be made an effort to dissipate our Governor's emotional smoke-screen. Then will come some explanation of the liberal's psychology of self-deception. Next will be reviewed the sufficiency of our Governor's alibi, in which he tries to disprove the existence of any "twilight zone" of conflict between the respective claims of jurisdiction as made by the Popes and those made by thorough secularists. After that will come proof that Gov. Smith's alibi is an error of ignorance by quoting a number of Romanist authorities certifying that such a conflict has existence, its extent, and the rightfulness of the papal supremacy within that "twilight zone." Following this an attempt will be made to give group portrayals of several different mental predispositions, for and against a theocratic interpretation of our constitutions. This should still further neutralize the hysteria which is prevalent in certain quarters, and which tends to characterize the issue as one of treason or loyalty. It should also neutralize a little of the feeling that was engendered by our Governor's martyr-pose. The remain-

ing chapters will be devoted to the Governor's responses to the several concrete issues that were used by Mr. Marshall to illustrate the main issue. All this will show that the Governor has not yet met the crucial issue, either fairly, or at all. Thus the whole book can be said merely to justify the request for more information, in less equivocal form of statement, as to the Governor's mental content concerning the papal supremacy in the "twilight zone." It is very earnestly hoped that the issue will be so clarified by this book, as to make it easier for the Governor to enlighten us, at the place where we are most conscious of needing enlightenment. That may be very different from Father Duffy's conception of our need.

## CHAPTER III.

# CHURCH AGAINST STATE, IN HISTORY:

## PART I.

There is apparent evidence that, notwithstanding his precise formulations, Mr. Marshall failed to make the issues clear to Gov. Smith, and failed to impress their importance upon his "liberal" converts. Having more space than Mr. Marshall, I hope to do better by the Governor. To do this, I will go way back toward the beginnings of this controversy. In spite of his often expressed aversion to reading about the dead, I hope the Governor will bear with me. I do not share his fear of examining "the limbo of defunct controversies." These "defunct controversies" may only be playing at being defunct, awaiting their time to become "live issues." Maybe the time for their new life has arrived. Anyway they can teach us something if we are willing to learn.

Rather than imitate Gov. Smith's fear of the past, I follow an example of Pope Pius IX. In his Syllabus he attached references from the past, for each paragraph, "so as to determine the true meaning and theologic value of the subject treated." I too, am annotating the issues of the present, by reference to their historic past, to determine the true meaning and true theologic value of Gov. Smith's equivocal words and evasions. The historic controversy may show us why ambiguity and evasion are now thought necessary. The explanation may be that it is not safe to repudiate the infallibility of the papal social polity, nor wise, at this moment, to frankly proclaim it in its entirety. Who knows?

I only offer an incomplete summary of alleged history, taken from a few convenient reference books. I have not examined any original authorities. All these records have only a secondary importance, as illustrating the historic background for the fears of Protestant secularists. This only shows the reason or unreasonableness of their beliefs, about the attitude of the infallible and unchangeable Papacy, as to its social polity. Any actual

historic "infallible" attitude of Popes, should be imputed to Gov. Smith, only so long as he avoids making an unequivocal repudiation. A full exposition of Gov. Smith's personal attitude, concerning the limits of papal jurisdiction over the "twilight zone," will make all this unimportant. With so much, by way of explanation, I proceed with a brief and incomplete historic recital, which exhibits the papal claim of supremacy in action.

#### CONSTANTINE—337.

Constantine (275?—337) the Great and the cruel, after conquests which produced the Holy Roman Empire, elevated the persecuted Christians to the position of members of a State Church, although still being a minority. "Over all, like to a god, was enthroned the emperor, and the imperial dignity was surrounded by a halo, a sacredness, a ceremonial, which was borrowed from the Oriental theocracies. \* \* \* [In] the East, from the earliest times, \* \* \* each ruler was believed by his people to be in direct communication with the godhead, and *the law of the State was regarded as revealed law*. \* \* \* Whoever wished to approach the head of the State must first pass through many anterooms and prostrate himself before the emperor as before a divinity." (Cath. Encyc., Vol. IV, p. 297.)

His accession of power was first marked by extending tolerance to Christians. Soon tolerance grew to privileges, and rival religions were persecuted. "As early as 313 the Roman Catholic Church obtained immunity for its ecclesiastics, including *freedom from taxation* and compulsory service, and from obligatory state offices—such for example as the curial dignity, which was a heavy burden. [See also: History of the Christian Church from Fourth to Twelfth Century, by Carwithen and Lyall, p. 24.] The Roman Catholic Church further obtained the right to inherit property, and Constantine moreover placed Sunday under the protection of the State. \* \* \* Perhaps he showed his Christian tendencies most pronouncedly in removing the legal disabilities which, since the time of Augustus, had rested on celibacy \* \* \* and in recognizing an extensive ecclesiastical jurisdiction. \* \* \* A law of 318 denied the competence of civil courts, if in a suit an appeal was made to the Court



of a Christian bishop. Even after a suit had begun before the civil court, it would still be permissible for one of the parties to transfer it to the bishop's court. If both parties had been granted a legal hearing, the decision of the bishop was to be binding. A law of 333 commanded the state officials to enforce the decisions of the bishops; a bishop's testimony should be considered sufficient by all judges, and no witness was to be summoned after a bishop had testified." (Cath. Encyc., Vol. IV, p. 299.) Also: "In harmony with the views of the Roman Catholic Church, Constantine rendered divorce more difficult. \* \* \* The imperial power was increased by receiving a religious consecration. \* \* \* Some bishops, blinded by the splendor of the court, even went so far as to laud the emperor as an angel of God, as a sacred being, and to prophesy that he would, like the Son of God, reign in heaven." (Cath. Encyc., Vol. IV, p. 200.)

From the eighth until the sixteenth century, it was claimed that Constantine donated to Pope Sylvester I (314-335) primacy over the four Patriarchs of Antioch, Alexandria, Constantinople, and Jerusalem; also over all the bishops of the world. The emperor was also alleged to have made a present to the Pope and his successors, of the Lateran palace of Rome and the provinces, districts, and towns of Italy and all the Western regions. In the sixteenth century the "Donation" came to be questioned as a forgery of about the year 750, and was admitted to be such by Cardinal Baronius (1536-1607). The Donation was used as authentic in the papal chancery in the middle of the eleventh century, and is referred to in Roman sources after that time. It also served the purpose of justifying the transfer of the imperial title at the coronation of Charlemagne, in 800. Thus also the similar Donation of Pepin and the later one of Charlemagne may be rationalized as a confirmation of parts of the forged grant. The first three to use this Donation in the interests of the Roman Catholic Church were two bishops and an archbishop. It was introduced into some editions of collected canons. Pope Urban II made use of it to support his title to the island of Corsica. Innocent III, Gregory IX, Otto III, Innocent IV, and Leo IX took its authenticity for granted, or used it to their advantage. Many lesser ecclesiasts have used it in support of papal

claims. Constantine's Donation is now quite generally conceded to be a forgery, although yet shrouded in mystery. (Cath. Enyc., Vol. V, p. 119.)

As I am writing this, the newspapers indicate that Mussolini, the Italian dictator, is about to make another confirmation of a part of this forged Donation, by re-establishing, within a small area, the absolute temporal sovereignty of the Pope. There is a very interesting feature story in the *New York Times* for Sunday, Oct. 23, 1927. It closes with sentiments such as these: The emergence of the Pope as a temporal sovereign carries with it a recognized status entitling him to claim a seat in the League of Nations, with a following in all other nations yielding to him a religious devotion often more potent than any secular patriotism. This "is one of those assertions of principle which it is not possible for any thoughtful student of affairs to ignore." And yet Gov. Smith has told us that the issue of the Pope's ambition for what used to be called "temporal power" belongs to "the limbo of defunct controversies." Of course, "liberals" will continue to accept it as that, in spite of the historic attitudes of the Papacy, as portrayed in the negotiations now going on between the Vatican and the Italian government.

#### SPAIN, HUNGARY, DENMARK, RUSSIA.

Pope Gregory VII (1020-1085) maintained that the kingdom of Spain was the property of the Apostolic See from the earliest period of Christianity, although the records were lost. He wrote letters to Grusa, King of Hungary, and to Sweyn, King of Denmark, recommending them to make a solemn *grant of their respective kingdoms to the Prince of the Apostles and to hold them under the jurisdiction of the successors of St. Peter*. The son of Demetrius, King of Russia, in obedience to an epistle of Gregory, set out for Rome in order to obtain as a gift from St. Peter his hereditary dominions. Suinimer, Duke of Dalmatia, was raised to the kingly rank by the legate of Gregory, on the condition that he *paid an annual tribute* of 200 pieces of gold at every festival Easter. (Carwithen, J. B. S.: *History of the Christian Church*, p. 214.)

## AUSTRIA AND BAVARIA.

Next we come to Clement V (1264-1314), the first of the Avignon Popes. "In '*Pastoralis*' of March 1314, Clement thus refers to a sentence of Henry VII of Naples against Robert, a vassal of the Roman See: 'We annul it in virtue of the incontestable supremacy which the Holy See possesses *over the Empire*, and of the right which belongs to the head of the Church, to administer the Empire during an interregnum, and by that plenitude of power which the successor of St. Peter has received from Jesus Christ, King of Kings, and Lord of Lords.' Let us add as the natural complement to this incident, that John XXII [1244-1334], the successor of Clement [Pope 1265-8] ordered the competitors for the Imperial crown, Frederick of Austria and Louis of Bavaria, to resign all power and submit their claims to him. Upon their refusal, the Pope excommunicated them, declared the throne vacant, confirmed the nomination of Robert of Naples as Imperial Vicar, and demanded that all who held office by appointment of the late Emperor should resign, under pain of excommunication and interdict. In 1323 he absolved the subjects of Louis of Bavaria from their allegiance." (Letters to His Holiness Pope Pius X, p. 146.)

## POLAND.

Mieszko, Polish ruler of Posen (962-92), had bound his people (963) to embrace Christianity. "Prince Mieszko considered himself *a vassal of the Pope and as such paid him tribute.*"

Boleslaw the Great of Poland (reigned 992-1025) granted tithes to the Roman Catholic Church, which the nobility were unwilling to pay. Of course, under the circumstances "tithes" is but a pious equivalent for feudal tribute. "The question of heathen marriages, which were condemned by Bishop Stanislaus of Cracow, gave rise to a quarrel between the King [Boleslaw II, the Bold, reigned 1058-80] and the bishop [Stanislaus]. The latter having formed a [revolutionary] conspiracy with the magnates \* \* \* was slain by the king himself. A revolt caused by this act, drove Boleslaw to seek an asylum in Hungary." Before that he had been excom-

municated by Gregory, his subjects absolved from their allegiance, and an edict was issued prohibiting the nobles and clergy of Poland *from electing a new king without the consent of the Roman Pontiff*. (Carwithen, Hist. of Christian Church, p. 214.) In Poland, about 1200, the sovereign still claimed for the State treasury certain fees from the lands held by the clergy.

Henry Kieticz, Archbishop of Gnesen, "obtained for the decrees of the ecclesiastical courts both force and validity. He also excommunicated the senior prince Wladislaw Laskonogi [1202-6] for trying to keep the Church in its condition of dependence [subordination to the civil power] and refusing to give up the old royal prerogatives of appointing the bishops, *jurisdiction over church lands, and the exaction of fees and other payments from them*."

"In 1210 two Polish princes jointly *conferred privileges upon the clergy*, thereby recognizing the independence of the church \* \* \* *with exemption from taxation*. The church of Poland was now organized in *conformity with the canon law*; its jurisdiction covered, not only the clergy but also the inhabitants domiciled on the church lands and, in many matters, the whole Catholic community as such. The church wielded the powerful weapon of interdict and excommunication. Church and clergy together formed an *independent political division* of the population, endowed with *complete power of self-government*."

"The consolidation of Poland having been effected under Lokietek (1306-33) the clergy were dissatisfied with him because he *would not exempt them from taxation*. This grievance gave rise to a quarrel between the clergy and Lokietek's successor, Casimir the Great [1333-79]. \* \* \* Bodzanta, Bishop of Cracow, after admonishing him without effect, placed him under excommunication. The cathedral vicar, Martin Baryezka, notified Casimir of this censure, and the king had him drowned in the Vistula (1349). Casimir sought to make amends for the murder by lavish alms-giving, by pious bequests and *privileges granted to the clergy*. \* \* \* The archbishop of Gnesen became the foremost prince of the realm, and the clergy were hereafter *relieved of all taxes*. This displeased the nobility, *who moreover had to pay the tithes*



to the clergy, with the alternative of exclusion from the Church."

"The ecclesiastical synods [of Poland] issued severe decrees against these heretics [the Hussites] whom Jagiello [king, 1386-1434] in 1424 also adjudged guilty of *high treason*. The inquisition became active against them." Obviously, under papal rule "heretic" is the spiritual term for what is "high treason" against the temporal power of God and his Popes. It was always thus, when manpower was adequate to enforce the supremacy of the spiritual authority.

Under Casimir the Jagellon (1146-92), there was some demand that the Pole Dlugosz should be made archbishop of Bohemia. "Nevertheless the temporal power sought to free itself from the domination of the spiritual. The nobility insisted more and more upon the *taxation* of the clergy."

When Emperor Henry IV became engaged in a contest with Pope Gregory VII for supremacy, the latter allied himself with the vassal prince of Poland. The Pope thereupon sent a kingly crown to Boleslaw Smialy, who now reformed the Church and State in harmony with Gregory's ideals. Some nobles arose in rebellion, and these with the Bishop Stanislaus entered an alliance with Bohemia. The king declared this bishop guilty of treason. His sentence was executed at Cracow, where the bishop was killed and cut in pieces. Civil war made it necessary for the king to flee to Hungary.

Boleslaw Chrobray (992-1025) was the eldest son of the first Polish ruler. He paid feudal tribute to the German emperor. With consent of the emperor and Pope there was erected an archepiscopal See of Gnesen, thus making it ecclesiastically independent of Germany. Now Boleslaw assumed the title of King and was crowned by the new archbishop, in 1024. For violating the precept of fasting, this Christian king saw to it that the people had their teeth knocked out. These missionary methods have not been generally followed by Christians. Mierczlaw II was soon subdued by his neighbors and again yielded allegiance to the emperor, dying in 1034.

After a successful revolt against the continuing dominance of Poland by the German emperor, which revolt

was guided by Roman priests, Wladislaw the Short received the kingly crown from the Pope at Cracow in 1320.

In Posen (German Poland), the Roman Catholic prelates, having their primacy previously recognized, after 1572 held authority as regents of the empire during an interregnum, superintended the election of the king, and crowned the successful candidate. (Cath. Encyc., under: Poland, Vol. XII, pp. 182-190.)

In 1733 "the Polish diet deprived non-Catholics of political and civil rights. \* \* \* The question of equal rights for dissidents was discussed \* \* \* at one session of the diet, but in 1766 the protest of the papal nuncio resulted in the rejection of the proposed change." (Cath. Encyc., Vol. XII, p. 186.)

"Pope [1281-5] Martin IV [1210-1285] excommunicated and interdicted King Pedro [III of Aragon? 1276-1285] for having asserted his hereditary right to Sicily, after that island had risen in 1282 against King Charles. [Charles I of Anjou, 1220-1285.] The Pope deprived Pedro of his kingdom and presented it, *on condition of a yearly tribute to the Papacy*, to Charles of Valois, son of Phillip III. Not satisfied even with these outrages, this Vicar of the Prince of Peace declared a crusade against Pedro, and promised that all who should die therein, fighting under the Papal banner, should receive the indulgence of the Holy Land Crusaders." (Letters to His Holiness Pope Pius X, p. 143.) Thus the "spiritual" authority of God on the earth commands, but interferes not "directly" with temporal matters, and human power executes in temporals the will of God. Of course, all this can be justified because of some issue of moral theology, as to the existence and determination of which the Pope is the final and "infallible" arbiter.

"Innocent III [1161-1216] ordered a crusade against Count Raymond of Toulouse [a defender of the Albigenses], with the result that a great part of Raymond's territory passed [1213] into the possession of the Pope's powerful plunderers. Raymond at the Lateran Council of 1215 requested the restoration of these lands. The Pope with a majority of the bishops decided that the conquered portions of his domain should be withdrawn from him forever and given over to Simon de Montfort, the

leader of the crusade; while the unconquered portions should be given in whole or in part to the son of Raymond, if on coming of age he should be found worthy." (See: Letters to His Holiness Pope Pius X, p. 142.) All this again exhibits the real character of the "infallible" Pope's "moral" and "spiritual" jurisdiction.

## CHAPTER IV.

### CHURCH AGAINST STATE, IN HISTORY:

#### PART II.

##### PHILIP AUGUSTUS OF FRANCE.

Philip (II) Augustus (1165-1223) of France presented a matrimonial issue to the Pope. The King had put away his wife and taken the Countess of Anjou to his bed, and had children by her. Now he claimed the first marriage to be void and asked the Pope to annul the same. The Pope legitimated the Countess' children while the annulment proceedings were still pending. Upon such an issue being made, and the Pope's jurisdiction being questioned as to subject-matter and territory, he justified his jurisdiction. Doubtless this was based on the claim of his "infallible" supremacy in matters of morals, which the Pope affirmed in these words: "We exercise temporal jurisdiction, not only in the patrimony of the Church (where we have full power in temporals) *but in other countries also*, casually upon inspection of certain causes." These *certain causes* the gloss interprets to be, when he is required. The eccentricities of Philip Augustus having now been duly whitewashed, and he accepted as a faithful son of the Church, it was fitting to reward him by making him the secular arm of the Pope, to make effective the Pope's dethronement of King John of England. "His Holiness exhorted all Christians in the British and French States to rally round the standard of Philip; and offered a pardon of all sin as an inducement to engage in the holy expedition. He granted the soldiery of the pious enterprise the same remission as the pilgrims who visited the sacred sepulchre, or the crusaders who marched for the recovery of the Holy Land. The British nobility and people were invited to rebellion; and the English barons rejoiced in being freed from the obligation of fidelity." (Edgar's *Variations of Popery*, pp. 223-4.) Again we see the transfer of a kingdom to be a papal prerogative of his feudal over-lordship.

By virtue of the feudal laws, Philip (II) Augustus of



France proclaimed himself suzerain over Richard the Lion-Hearted and John Lackland. The victory of Bouvines over Emperor Otto III, backed by the coalition of feudal nobles (1214) and the co-operation of the Pope, was the first event in French history which called forth a national solidarity around a French king.

#### FRANCE—1296.

“In 1296, Phillippe le Bel of France requested of the clergy of his kingdom the payment of *their share of the public taxes*. Pope Boniface straightway wrote against him the bull ‘*Clericis laicos*’—a document as subversive of society as the ‘*Unam Sanctam*’ itself—in which he *forbade the king under penalty of interdict and deposition to levy this tax*. \* \* \* Two centuries later France and Venice formed a coalition for the dismemberment of the kingdom of Naples. Pope Alexander VI became the third party \* \* \* on the stipulation that when Imola, Forli, Faenza and Pesaro were conquered, they should be *given to his [the Pope’s] illegitimate son, Caesar Borgia*. This pact having been agreed upon, Alexander on the twenty-fifth of June 1501, issued a bull deposing Federigo, King of Naples, and dividing his territory between France and Spain. But the League of Cambray of 1508 touches the lowest depth of wickedness to which the Church-and-State doctrine has ever dragged the Papal office. The parties to the League were Emperor Maximilian, Louis XII of France, the King of Spain, and Pope Julius II. The object \* \* \* was the destruction and dismemberment of the Kingdom of Venice. The Pope claimed as his share of the pillage, Ravenna, Cernia, Faenza, and Rimini. Against overwhelming odds Venice fought nobly for her life; but foreseeing the inevitable she offered to the Pope the four territories he lusted after, if only he would desist from the war. Julius not only refused, but laid Venice under the \* \* \* punishment of interdict. The proud little state collapsed at last, and was parceled \* \* \* according to the agreement. Leo X, long after feudalism had passed away, shows how the idea of earth-ownership clings to the papal mind, when, not as arbiter in any dispute, but merely as world-suzerain, he granted to the King of Portugal permission to possess all kingdoms and islands of the far East which he had wrested

from the infidel, and all he would in future thus acquire, even though up to that time unknown and undiscovered." (Letters to His Holiness Pope Pius X, p. 145.)

#### PEPIN THE SHORT.

Pepin the Short (714-768), Mayor of the Palace of the whole Frankish Kingdom, was the son of Charles Martel. Pepin and his brother Carloman were taught by the monks, "and the impression received during their monastic education had a controlling influence upon the relation of both princes to the Church." The father died in 741, and the brothers began to reign jointly, but not without opposition. Carloman and Pope Boniface entered upon the reformation of the Frankish Catholic Church. In 743 Carloman entered a monastery, and so ended the contest for power with his brother. "At the same time the way was prepared for *deposing* the last Merovingian and for the crowning of Pepin." Pepin inquired of the Pope whether it was proper that the kings of the Franks no longer possessed royal power. Pope Zacharias, finding his temporal aspirations resisted by the Lombards, needed help. The Pope answered as Pepin desired. The place Pepin desired to occupy was declared vacant [by the Pope?]. The crown was given to Pepin by the Franks in 751. "Soon after this [he] was anointed by Boniface. This consecration of the new kingdom *by the head of the Church was intended to remove any doubt as to its legitimacy.* \* \* \* This external co-operation of the pope in the transfer of the kingdom to the Carolingians would necessarily enhance the importance of the Church."

The Popes laid before Pepin their claims to the central provinces of Italy. For this Pope Stephen II visited Pepin in 754. "Pepin went to meet him, kneeled before him, and acted as his attendant. \* \* \* Preceded by a large escort, singing psalms, they entered the Pantheon on horseback. Pepin walked on foot at the Pope's side. But when they had entered the royal palace the scene changed. Then the Pope and his clergy, robed in sackcloth and ashes, prostrated themselves before the king, besought him to espouse the cause of St. Peter, to oblige the Lombards to restore to the blessed Apostle the goods that they had seized, to take under his protection the

patrimony of St. Peter and the Roman Church in general." (Lagarde: *The Latin Church in the Middle Ages*, p. 157.) Such flattery was irresistible for Pepin's monkish-trained conscience. The king agreed to also protect "the prerogatives of St. Peter which the Byzantine exarchs had extended to them," the Popes. In return "the Frankish king [Pepin] received the title of the former representative of the Byzantine Empire in Italy. \* \* \* When [Pope] Stephen II performed the ceremony of anointing Pepin and his son \* \* \* it was *St. Peter* who was regarded as *the mystical giver of the secular power*, but the emphasis thus laid upon *the religious character of political law*, left vague the legal relations between pope and king. \* \* \* From the time of [Pope] Boniface the Church was more generally acknowledged by the Franks to be the mystical power appointed by God. When he deposed the last of the Merovingians Pepin was also obliged to acknowledge the increased authority of the Church by calling upon it for moral support. \* \* \* Pepin's policy marked out the tasks to which [his son] Charlemagne devoted himself." (Cath. Encyc., Vol. XI, p. 663.) Pepin granted to the Pope the ex-archate of Ravenna, the Pentapolis, and the territory of Bologna and Ferrara. This almost seems as if in partial confirmation of the forged grant of Constantine.

When Pope Stephen II crossed the Alps to anoint Pepin with the oil of kingship, he also anointed his son (Charlemagne) and a younger son. The Pope then laid upon the Franks a precept, under the gravest spiritual penalties, never "to choose their king from any other family." Thus in the kingdom of Neustria (754) the House of Arnulf was by the solemn act of the Pope established on the throne, until then nominally occupied by the House of Merowig. (Cath. Encyc., Vol. III, p. 610.) "There [at Quiercy on the Oise] Pepin executed in writing a promise to give to the [Roman Catholic] Church certain territories, the first documentary record for the States of the [Roman Catholic] Church. \* \* \* In the original document of Quiercy Pepin promised the pope the restoration of lands of Central Italy \* \* \* especially in the exarchate and in the Roman Duchy, and of a number of more or less clearly defined patrimonies in the Lombard Kingdom and in the Duchies of Spoleto and

Benevento. The lands were not yet in Pepin's hands. They had therefore first to be conquered by Pepin, and his gift was conditioned by this event. In the summer of 754 Pepin with his army and the pope began their march into Italy, and forced King Aistulf, who had shut himself up in his capital, to sue for peace. \* \* \* For the cities in the exarchate and of the Pentapolis which Aistulf promised to return, Pepin executed a separate deed for the pope. This is the first actual 'Donation of 754.''' When Pepin withdrew, Aistulf renewed his attack on Rome. Pepin returned, and reconquered Aistulf. Now the latter again promised "to deliver to the pope the cities granted him after the first war and, in addition, Commachio at the mouth of the Po. But this time the mere promise was not considered sufficient. Messengers of Pepin visited the various cities of the exarchate and of the Pentapolis, demanded and received the keys to them, and brought the highest magistrates and most distinguished magnates of these cities to Rome. Pepin executed a new deed of gift for the cities thus surrendered to the pope, which together with the keys of the cities were deposited on the grave of St. Peter (Second Donation, of 756). \* \* \* Pepin took up arms, not to render a service to the Byzantine emperor, but for the sake of St. Peter alone, from whose protection he expected earthly happiness and everlasting salvation. \* \* \* Pepin wished to provide the pope with temporal territories, that he might be certain of the prayers of the pope." (Cath. Encyc., Vol. XIV, p. 260.) "From his father Charlemagne received the title 'Patricius Romanus,' which carried with it the special obligation to protect the "*temporal rights* of the Holy See."

In defiance of the Pope's protest, Charles married Desiderata, daughter of the king of the Lombards, an opponent of papal authority. The unconverted Saxons were attacked by Charles in 772. Pope Stephen IV died and Adrian I succeeded him in the same year. The new Pope had been an antagonist of Desiderius, king of the Lombards, and was soon attacked by him. Adrian's legate claimed the support of Charlemagne. In 773 Charlemagne's army proceeded to put the Lombards to utter rout. Later Charlemagne entered Rome, prostrated himself to kiss the threshold of the Apostles, and spent



seven days in conference with the Pope. Here he "undoubtedly formed many great designs for the glory of God and the exaltation of the Holy Church, which \* \* \* he afterwards did his best to realize." Twenty-six years later he was crowned as the successor of Constantine. His consecration as first champion of the [Roman] Catholic Church took place at Easter, 774. Soon Charles, assuming the crown of Lombardy, renewed to Adrian the donation of territory made by "Pepin the Short" in 752. (It is said that as an inducement thereto, Pope Adrian had the Donation of Constantine forged. Will Mussolini, the present premier of Italy, now give a partial renewal or confirmation of that, in exchange for papal influence toward conquest of atheistic France?) The next twenty years of Charlemagne's life was a period of continual warfare. "The key to his long series of victories \* \* \* is to be found in the inspiration communicated to his Frankish champion by Pope Adrian I." Nearly all of his fifty-three campaigns were undertaken in execution of his mission as the protector of the Roman Catholic Church. At a council of the realm "it was decided that the Saxons \* \* \* must be presented with the alternative of *baptism or death*. The northeastern campaigns of the next seven years had for their object a conquest so decisive as to make the execution of this policy feasible."

After the Lombards and Saxons had been subdued, came the partially successful invasion of Moslem Spain. Wittekind and his Danish allies resisted the Christian conqueror. After some serious defeats, Wittekind acknowledged the Christian God of Charles to be stronger than his own God, Odin. In 785 Wittekind was baptized, with Charles as his god-father. When the rebellions of the conquered ones had been adequately suppressed, Charles "made use of the pope's influence, exercised through the powerful bishops of Freising, Salzburg, and Regensburg, to bring him [the Duke of Bavaria] to terms." Again rebellions arose. "Once more the influence of the Holy See settled the Bavarian question in Charles' favor; Adrian threatened Tassilo with excommunication if he persisted in rebellion, and as the Duke's own subjects refused to follow him to the field, he personally made submission, did homage, and in return re-

ceived from Charles a new lease of his duchy (October 787).” (Cath. Encyc., Vol. III, p. 614.)

“Differences of opinion arose between Pope Adrian and Charlemagne concerning the obligation which had been assumed by Pepin and Charlemagne in the document of Quiercy. Adrian construed it to mean that Charlemagne should take an elastic concept of the ‘*republica Romana*’ to the extent of giving up not only the conquests of Aistulf in the ex-archate and in the Pentapolis, but also earlier conquests of the Lombards in Central Italy, Spoleto, and Benevento. But Charles would not listen to such an interpretation. \* \* \* An agreement was reached in 781.” (Cath. Encyc., Vol. XIV, p. 260.) Charlemagne reaffirmed the donations of Pepin of 754-56. “He now executed a new document in which were enumerated all the districts in which the Pope was recognized as ruler. The Duchy of Rome (which had not been mentioned in the earlier documents) heads the list. \* \* \* The agreement between Charlemagne remains undisturbed. In 787 Charlemagne still further enlarged the States of the Church by new donations. \* \* \* Adrian in these negotiations proved himself no mean politician, and is justly ranked with [Pope] Stephen II as the second founder of the States of the Church.” The Encyclopedia gives quite detailed statements as to the territory covered by these donations. (Cath. Encyc., Vol. XIV, pp. 260-1.) Is Mussolini now going to confirm these grants by a new donation? That may depend upon whether this will aid him in extending his dominion by a conquest of France, through a timely Roman Catholic revolt within France. Such things have happened.

In some uprisings against Pope Leo III (between 795-816) on account of alleged scandalous living, Charles became his protector. Now came “the principal event in the life of Charles. During the Pontifical Mass celebrated by the pope, as the king knelt in prayer before the high altar beneath which lay the bodies of Sts. Peter and Paul, the pope approached him, placed upon his head the imperial crown, did him formal reverence after the ancient manner, saluted him Emperor and Augustus and anointed him, while the Romans present burst out with the acclamation, thrice repeated: ‘*To Carolus Augustus crowned by God, mighty and pacific emperor, be life and victory.*’”

Continuing the quotations from the Catholic Encyclopedia: "He owed his elevation not to the conquest of Rome, nor to any act of the Roman Senate, \* \* \* much less to the local citizenship of Rome, *but to the pope*, who exercised in a supreme juncture the moral supremacy in Western Christendom which the age widely recognized in him, and to which, indeed, Charles even then owed the *royal title that the popes had transferred to his father Pepin*. It is certain that Charles constantly attributed his imperial dignity *to an act of God*, made known of course through the agency of the Vicar of Christ; \* \* \* also that after the ceremony he made very rich gifts to the Basilica of St. Peter, and that on the same day the pope anointed (as King of the Franks) the younger Charles, son of the emperor. \* \* \* The Roman Empire \* \* \* since 476 practically extinguished in the West, save for a brief interval in the sixth century, was *restored by this papal act*, which became the historical basis of the future relations between the popes and the successors of Charlemagne (throughout the Middle Ages no Western Emperor was considered legitimate unless he had been crowned and anointed at Rome by the successor of St. Peter)." So it came that Charles was lifted "to the dignity of supreme temporal protector of Western Christendom, and in particular of its head, the Roman Church. Nor did this mean only the local welfare of the papacy, the good order and peace of the Patrimony of Peter. \* \* \* It meant also \* \* \* a religious responsibility, encouragement and protection of missions, advancement of Christian culture, organization of dioceses, enforcement of a Christian discipline of life, improvement of the clergy, in a word, all the forms of governmental co-operation with the [Roman Catholic] Church that we meet with in the life and legislation of Charles. Long before this event Pope Adrian I had conferred on Charles his father's dignity of *Patricius Romanus*, which implied primarily the protection of the Roman Church in all its rights and privileges, *above all in the temporal authority* which it had gradually acquired. \* \* \* Charles, it is true, after his imperial consecration exercised practically at Rome his authority as *Patricius*, or protector of the Roman Church. But he did this with all due recognition of the papal sovereignty. \* \* \* It would be unhistorical

to maintain that as emperor he ignored at once the civil sovereignty of the pope in the Patrimony of Peter." (Cath. Encyc., Vol. III, pp. 614-15.)

After some listing of royal documents, the Catholic Encyclopedia continues: "These imperial documents made it clear that the acts of authority exercised by the new emperor in the Patrimony of Peter were only such as were called for by his office of Defender of the Roman Church." Again: "*The spirit of his legislation was above all religious; he recognized as a basis and norm the ecclesiastical canons, was wont to submit his projects of law to the bishops, or to give civil authority to the decrees of synods.* More than once he made laws at the suggestion of popes or bishops. \* \* \* Side by side with the counts in the great national parliament \* \* \* sat the bishops, and the spiritual constituency was so closely intertwined with the temporal that in reading of the 'council' under Charles, it is not always easy to ascertain whether the particular proceedings are supposed to be those of a parliament or a synod. Nevertheless this parliament or diet was essentially bicameral (civil and ecclesiastical)."

Also: "*Tithes were strictly enforced for the support of the clergy and the dignity of public worship. Ecclesiastical immunities were recognized and protected, \* \* \* a regular religious instruction of the people provided for, and in the vernacular tongue,*" and much more of this sort. (Charlemagne, Charles the Great, 742-814. Cath. Encyc., Vol. III, p. 610.)

"Gregory VII \* \* \* ordered his legates in France in 1081 to see to it that *every house in France paid annually to St. Peter, one denarius.* This, says Gregory, is an ancient duty first imposed by Charlemagne, who having overcome the Saxons by St. Peter's help and having made a successful war on the Lombards [Charlemagne] offered his conquest to St. Peter. \* \* \* Gregory here, as is evident to any one who understands feudal language, considers France and Saxony as belonging to St. Peter, and the denarius is the fealty-contribution to the Roman See. This interpretation is borne out by Gregory IX and Innocent IV." (Letters to His Holiness Pope Pius X, p. 138.)

"Pope Clement IV [1265-1268?] in 1205 [1265?] sold millions of South Italians to Charles of Anjou for a



yearly tribute of eight hundred ounces of gold, neglect in the payment of which would incur excommunication and interdict.” (Letters to His Holiness Pope Pius X, p. 143. Written by an anonymous priest, Sullivan.) This was part of the war against Manfred, illegitimate son of Frederick II, who ruled in Naples. Urban IV [Pope 1261-63] had previously granted this kingdom to Charles.

CHAPTER V.  
CHURCH AGAINST STATE, IN HISTORY:  
PART III.

BONIFACE AND PHILIP THE FAIR.

The papal theory of supremacy is again illustrated through Pope Boniface VIII (1228-1303) in his conflict with Philip the Fair, King of France (1268-1314). Philip's enlarging domain and the increasing centralization of his government required an increase in royal revenues. On this account he levied a tax on ecclesiastical property. The Pope persuaded the king to go on an expedition into the Holy Land. To promote this expedition the Pope exacted the tithes of Church livings in France and *reserved the collection of all benefices to himself*. The king excuses the one and plainly denies the other demand. Pope Boniface VIII thereupon sent the Bishop of Apanea (Pamiera) to the king with threats of censures and deposition, unless the king shall yield. The king's council of States resolved that the Pope's Legate deserved imprisonment, but for reverence to the See Apostolic, let him off with banishment, and for his threats condemned both Legate and Pope. The Legate made further threats, whereupon the king ordered him into the custody of the Metropolitan.

Now the Pope complained of this, as a breach of *ecclesiastical immunity*, and demanded the immediate release and return of his Legate. The burning of his letters by the Parisian parliament put the Pope quite out of patience. Accordingly he cited the king, and the Bishops who supported him, to come to Rome, where he had appointed a Synod. In the meantime, the Pope declared the Kingdom of France to have *reverted back to the Apostolic See*, because of the king's contumacy, felony, and violation of the law of nations (the papal international divine code). The Pope thus addressed the king: "We would have you know that you are subject to us in Spirituals and Temporals—and who thinks otherwise we repute heretics." The king answered thus: "We would have your foolishness know, we are subject to none

in temporals, and who thinks otherwise we take for a mad man." He also accused the Pope of several crimes, and prohibited all intercourse with Rome, and ordered the Bulls of Boniface VIII burned. This controversy resulted in an investigation wherein one of the Cardinals in a Consistory, in which the French ambassadors were present, resolved the difficulty thus: "*The supreme dominion belongs properly to the Pope, but the administration to the King, and therefore all Christian Kings are subject to the Pope even in temporals, in regard of his Supreme dominion.*" The French ambassadors asserted that the king, in temporals, was subject to God alone, and owed his crown and power only to Him.

Philip summoned representatives from the three orders of his kingdom. This is commonly considered the first assembly of States-General. The nobility and commoners disclaimed with firmness the temporal authority of the Pope and conveyed their sentiments to Rome. The clergy attempted to steer a middle ground.

Boniface, being much incensed by the king's repudiation of legatine privileges, summoned the clergy to attend a council at Rome. "In this assembly Boniface VIII promulgated his famous constitution denominated, *Unam Sanctam*. THE CHURCH IS ONE BODY, HE THEREIN DECLARES, AND HAS ONE HEAD. UNDER ITS COMMAND ARE TWO SWORDS, THE ONE SPIRITUAL AND THE OTHER TEMPORAL: THAT TO BE USED BY THE SUPREME PONTIFF HIMSELF: THIS BY KINGS AND KNIGHTS BY HIS LICENSE AND AT HIS WILL. BUT THE LESSER SWORD [OF THE CIVIL GOVERNMENT] MUST BE SUBJECT TO THE GREATER [THE ECCLESIASTICAL], AND THE TEMPORAL TO THE SPIRITUAL AUTHORITY. HE CONCLUDES BY DECLARING THE SUBJECTION OF EVERY HUMAN BEING TO THE SEE OF ROME TO BE AN ARTICLE OF NECESSARY FAITH." (Hallam's, *Middle Ages*, Chap. 7, p. 27, Vol. 2, edition 1898.)

This was a time when Popes had no need for diplomacy and quibbles. This Bull *Unam Sanctam* shows just what is meant by the infallible Popes when they write of the supremacy of their "moral" jurisdiction, and when Roman Catholics speak of the co-ordinate powers of Church and State. Of course, those who believe this papal doctrine will hardly be guilty of the indiscretion of defining the respective boundaries of the spiritual and temporal jurisdiction.

Henry III, King of France and Poland (1531-1589), former Duke of Anjou, and the King of Navarre jointly made war against Leaguers for the advancement of Catholics in France. The Duke of Main and his confederates in Paris conspired to kill the king. A young Jacobine monk by the name of Fryer Jaques Clement (1565-1589), with the aid and consent of his religious superiors, did the job. He was promised felicity, temporal and spiritual, also an abbot-ship, bishopric, or whatever he wanted, to do the deed. The monk left Paris toward St. Clon. Then the Duke de Main caused more than 200 of the principal citizens and other rich men, whom he knew to have friends and credit with the king's party, to be arrested as a gage to save his monk if he should be arrested. The monk secured a private audience on the pretense of some private letters, stabbed the king, and was in turn killed by some attendants. The monk "was canonized and adored for this deed." (A Discovery of the Pope's Pride. Lond., 1651, p. 456.)

Henry IV (1553-1610) became the head of the Huguenots in 1569, and succeeded to the throne of Navarre in 1572. He married the sister of Charles IX of France in 1572. He escaped the general massacre of his partisans, inaugurated during the nuptial festival. (See: St. Bartholomew Massacre.) In 1584 he became heir to the throne of France, but the Holy League refused to recognize his title, and proclaimed the Cardinal Charles de Bourbon to be the heir presumptive. A new war broke out in consequence, in 1585. Upon the assassination of Henry III the Holy League proclaimed the Cardinal to be King Charles X (1590). Embracing the Roman Catholic religion in 1593, Henry secured the general recognition of the Roman Catholics and was crowned king. By the Edict of Nantes in 1598, ending the war, the king put the Huguenots on a political equality with Roman Catholics. Certain nobles and citizens of certain towns were allowed freedom of worship, although this freedom was prohibited in Paris and in Episcopal cities. Also some military and judicial concessions were made to the Huguenots. Of course, granting such liberties to heretics again made Henry IV a heretic. Properly enough then, he was assassinated by the Roman Catholic fanatic, Ravaillac.

Otto (I) the Great (912-973), Roman emperor and



German king, was obsessed by the idea of universal empire. Having subjugated his neighbors, he needed the support of the Church to increase the internal unity. In return he increased the power of the Roman hierarchy. "A close alliance of the German realm with the [Roman Catholic] Church was begun," although Otto retained a technical verbal supremacy. When others threatened to subjugate Rome, "Otto complied with the pope's request for aid, which exactly suited his projected church policy. He had previously caused his son Otto, a minor, to be elected and anointed king at the Diet of Worms, in 961. He left his brother Bruno, and his natural son, Wilhelm, regents in Germany and journeyed over the Brenner and thus to Rome where he was crowned emperor \* \* \* 962. On this occasion the so-called Ottonian privilege was conferred. \* \* \* It confirms the grants which the Church received from the Carolingians and their successors. The second part goes back to the Constitution of Lothair (824), according to which the consecration of kings should not be permitted before swearing allegiance to the German ruler."

Recurring disorders recalled Otto to Rome, amid which Pope John XIII found antagonists. "The Emperor performed his duties as protector of the [Roman Catholic] Church with stern justice and punished the turbulent nobles. John XIII then crowned his son, Otto, emperor," a fitting reward for such faithfulness. "Though subject to violent fits of temper and conscious of his power and genius, he prayed as devoutly as a child." (Cath. Encyc., Vol. XI, pp. 354-5.)

Otto II (955-983), king of the Germans and emperor of Rome, son of Otto I, aimed at restoring the world boundaries of the ancient Roman empire. "Germany and Italy were to wield the balance of power." There came a time, when Crecentius "headed a disorderly factional government and sought to settle the affairs of the Holy See by coercion. Otto crossed the Alps and freed the papacy." Continuous wars of aggression and rebellion resulted in characterizing the reign of Otto as the "period of martyrdom of the German Church." (Cath. Encyc., Vol. XI, pp. 355-6.)

Otto III, German king and Roman emperor (980-1002), was elected king at the age of three. "Henry, \* \* \* the

deposed Duke of Bavaria, claimed his guardianship. \* \* \* Williger, archbishop of Mainz, the leader of Otto's party, improved the situation. He induced Henry to release the imprisoned king, for which his Duchy of Bavaria was restored. Otto's mother, Theophano, now assumed the regency. She abandoned her husband's imperial policy and devoted herself entirely to furthering an alliance between [the Roman Catholic] Church and State. \* \* \* In France Louis V had died without heirs, and Hugh Capet was elected. This was the work of the French episcopate." The young king assumed government in 994.

"Supported by the spiritual princes of the Empire, he marched into Italy. Here he behaved as though the Roman See were a metropolitan bishopric under the Empire. \* \* \* He raised a German, Bruno, to the Chair of Peter under the name of Gregory V. The new pope crowned Otto emperor. \* \* \* He did not act counter to the ancient claims of the Curia, and he emphasized the duties and rights of the popes. \* \* \*

"In Rome \* \* \* Crescentius had set up an antipope named John XVI and forced Gregory V to flee. In 998 Otto went to Rome, where he pronounced severe judgment upon those who had rebelled against his decisions. Gregory died in 999, and the emperor raised his friend Gerbert to the Papacy as Sylvester II. He, too, followed the ancient path of the Curia, and advocated papal supremacy over all Christendom." Before long Otto's dream of empire faded away. He was buried in the Cathedral at Aix. (Cath. Encyc., Vol. XI, pp. 356-7.)

#### GREGORY VII AND HENRY IV.

One of the first acts of Pope Gregory VII (1020?-1085) was to make treaties with three princes of Italy, engaged to defend the person of the Pope and the property of the Holy See and never to invest anyone with a Church benefice without the papal sanction. At the Lenten synod 1075 he excommunicated Robert Guiscard, the Norman leader, for sacrilege and invasion of the papal territory.

Henry IV of Germany, who was at the time being threatened by Saxons, wrote Pope Gregory VII (1073) in humble deference about his numerous sins, professed

his submission to the Pope, and expressed the hope that the union of royal and sacerdotal power might henceforth remain indissoluble. Upon Henry's subjugation of the Saxons and Thuringians he deposed the Saxon bishops and replaced them, against the rules laid down by Gregory. At the Synod of Rome (1075) these new bishops were deposed, and Henry was cited to appear in Rome to answer for his conduct. Henry responded by convening his supporters at Worms, Jan., 1076. This diet declared Pope Gregory deposed. This action was approved by the Lombard bishops in two synods. Now Henry and his supporters were excommunicated and his subjects absolved from their oath of allegiance. At a meeting of spiritual and temporal Lords (at Trebur) Henry's crown was declared forfeited, unless he should become reconciled to the Pope. Summoned to a council, he fled to Rome to tender his submission to the Pope. Mindful of his former faithlessness, the Pope treated him with extreme severity. "Stript of his royal robes and clad as a penitent, Henry had to come barefooted mid ice and snow and crave for admission to the presence of the Pope." Three days he thus supplicated, before he was received and absolved from the papal censure upon condition of appearing at the proposed council and submitting himself to its decision. The German princes being disgusted, elected Rudolph of Swabia to be king. Henry threatened to set up an "antipope," in the person of Archbishop Guibert, and Gregory (in 1080) renewed his sentence of excommunication. Henry and some "feudatory bishops" (also Lombards) carried out this threat by electing Clement III.

Rudolph died in 1080. Henry marched to Rome, but did not take the city until 1084. Henry offered Guibert as a hostage for good behavior if only Gregory would crown him emperor. Henry was again excommunicated and reconquered Rome. Guibert was consecrated Pope, and returned the compliment by crowning Henry as emperor. Now Gregory's allies entered Rome, released the Pope, and Henry fled. Pope Gregory, approaching death in exile, withdrew all excommunications except those against Henry and Guibert. (Cath. Encyc., Vol. VII, pp. 230-231.)

Otto IV (1182-1218), German king and Roman emperor,

was the son of Henry the Lion and Matilda, daughter of Henry II of England, and sister of Richard the Lion-Hearted. Adolf of Cologne, upon the death of Henry VI and the election of Philip of Swabia by the Hohenstaufens, proclaimed Otto king, 1198. The next aim of Otto was to obtain a confirmation of his kingship by the Pope, in his contest for the German throne. "Innocent awaited developments. To him the individual was of little importance, his chief solicitude being for the recognition of his right to decide contested elections to the German throne, and, in consequence, his suzerainty over kingdom and empire. The year 1200 was favorable to Philip. He, however, made the mistake of taking possession of the episcopal See of Mainz in defiance of canonical regulations, whereupon Innocent declared for Otto. The year 1201 marked the beginning of energetic action on the part of the Curia in Otto's behalf." While Guido of Palestrina, the papal legate, constantly gained new friends to Otto's cause, Philip, "the sweet youth," remained inactive, protesting at the Pope's attitude. When by desertions, Philip's affairs were nearly hopeless, the Holy See received the broadest concessions from Otto, "because he wished to become king of the Romans through the favor of God and the Pope." Accordingly "he confirmed the papacy in its secular possessions, relinquished the property of Matilda of Tuscany, and even guaranteed to the pope the revenues of Sicily. He resigned all claims to dominion in Italy, promising to treat with the Romans and with the cities of Italy only in concurrence with the pope. The purpose of [Pope] Innocent to become the overlord of Italy was thus all but accomplished. The moral result of this great contest for the throne was unfortunate. Princes and bishops shamelessly changed their party allegiance. In 1204 the scale turned in Philip's favor. This was due to the fact that the whole north-western part of the kingdom became involved in the war for the succession in Holland, and could therefore manifest little interest in the affairs of the Guelphs. The year 1205 saw a general desertion from Otto's cause. \* \* \* The Archbishop of Cologne, Adolf, had also gone over to Philip's standard, upon which sentence of excommunication had been pronounced against him. The Diocese of Cologne was then subjected



to all the confusion of a schism. In addition, the city of Cologne finally fell into the hands of the Hohenstaufens. Without further delay, the pope withdrew his support from the apparently lost cause of the Guelphs, and began negotiations with the Hohenstaufens. \* \* \* After mutual concessions, the pope promised to acknowledge Philip, and to crown him emperor." Wonderful practical politics! When about to deal the last crushing blow to the Guelphs, Philip was murdered, 1208.

"The princes now rallied round Otto. \* \* \* Otto's next step was to take as his wife the daughter of his murdered enemy." In 1208 he was again elected, and a period of relative peace followed. "To ensure [once more] the support of the pope, Otto drew up a charter at Speyer \* \* \* in which he renewed the concessions previously made, and added others. He now promised not to prevent appeals regarding ecclesiastical affairs being made to the Holy See. \* \* \* In 1209 Otto journeyed to Rome to receive the imperial crown." Again: wonderful practical politics! "As soon as the coronation was an accomplished fact (1209), it was apparent that he intended to make the policy of the Hohenstaufens his own. His first step was to lay claim to Sicily. The Pope \* \* \* excommunicated Otto \* \* \* and determined to place the young Hohenstaufen, Frederick II, upon the throne. \* \* \* On the death of Otto's wife, a Hohenstaufen princess, the Hohenstaufen party completely abandoned his standard for that of Frederick. \* \* \* Conditions in the kingdom were so changed that foreign arms were destined to decide the contest for the German crown." With the success in battle of Philip Augustus (1214) Otto's cause was lost. He made further futile effort to regain his throne. Again he made his peace with the Church, was absolved from excommunication, died in 1218, and was buried in consecrated ground at St. Blasien in Brunswick. (Cath. Encyc., Vol. XI, pp. 357-8.) Could "practical politics" be more wonderful, even in Tammany Hall?

Frederick I, surnamed Barbarossa, German king and Roman emperor (1123-1190), had great ambitions to promote national unity and internal peace. "The Gregorian, hierarchial party in Germany was in a state of complete dissolution. From the bishops Frederick had no reason

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to fear radical opposition, \* \* \* dissatisfaction with the papal administration in Germany being widespread." Rainald von Dassel [was] consecrated Archbishop of Cologne in May, 1156, and made chancellor of the empire. \* \* \* Rainald was a formidable opponent of the papacy. \* \* \* Another prelate, also a staunch supporter of the king, was \* \* \* archbishop of Magdeburg \* \* \* uncanonically promoted. \* \* \* The negotiations between the king and the pope concerning the appointment to the See of Magdeburg revealed for the first time a radical difference between the policies of the [Roman Catholic] Church and the State. During these stormy controversies \* \* \* Frederick was strengthened in his view \* \* \* chiefly through intercourse with the leading jurists of the University of Bologna. \* \* \* The conduct of Frederick in northern Italy and the mistaken concept of the relations between Church and State could not fail to bring about a conflict with the papacy. \* \* \* The king, a deeply religious man, was, indeed, convinced that the secular and ecclesiastical powers should co-operate with each other, but he made it clear that even the pope should respect in him the imperial lord. If Frederick became master of Italy, the pope would have to acknowledge this supremacy. \* \* \* It was in these circumstances that the Treaty of Constance was signed between the pope and the king (March, 1153). This treaty was aimed against the enemies of the pope both in Rome and southern Italy. In return the pope promised to crown Frederick emperor and to help him against his enemies." Again practical politics prevailed. "On 18 June, 1155, after having delivered Arnold of Brescia into the pope's hands, Frederick was crowned Roman emperor. \* \* \* His suzerainty in Burgundy was, in the main, re-established, after Frederick, with the consent of the Curia, had separated from Adela von Vohburg, and married Beatrice, the heiress of Burgundy. \* \* \*

"The friendly relations between the pope and emperor had suffered a shock after the Diet of Besançon (1157). On that occasion the papal legate had called the imperial dignity a benefice (*beneficium*) of the popes. The expression was ambiguous, since the latin word *beneficium* might mean either a personal benefit or a *feudal concession*. There is no doubt, however, that the indignant

*German princes were right in understanding it to be an assertion of the superiority of the popes over the emperors.* In sharp denial of this claim, Frederick defended his imperial sovereignty. \* \* \* Pope Adrian was considering the excommunication of the emperor, when his [Adrian II] death [1159] relieved the existing tension.” (Cath. Encyc., Vol. VI, pp. 253-4.)

The Catholic Encyclopedia, under Pope Adrian IV, gives us a better picture of these events. After the murder of Cardinal Gerardus, Adrian “at once laid the city under an interdict and retired to Viterbo. He forbade the observance of any sacred service until the Wednesday of Holy Week. ‘Then were the senators impelled by the voice of the clergy and laity alike to prostrate themselves before his Holiness.’ Submission was made and the ban removed.” Meantime Frederick I, Barbarossa, was approaching the papal territory expecting to receive the imperial crown from the Pope. A conference was arranged, thirty miles north of Rome, between Frederick, “then the most powerful monarch in Europe, and \* \* \* the most powerful spiritual ruler in the world. As the Pope approached, the Emperor advanced to meet him, but did not hold the pope’s stirrup, which was a part of the *customary ceremony of homage*. The pope said nothing then, but dismounted, and the Emperor led him to a chair and kissed his slipper. Custom required that the Pope should then give the kiss of peace. He refused to do so, and told Frederick that until *full homage* had been paid he would withhold it. This implied that he would not crown him. Frederick had to submit, and on the 11th of June another meeting was arranged at Nepi, when Frederick advanced on foot, and held the pope’s stirrup, and the incident was closed. Frederick was afterwards duly crowned at St. Peter’s.” On that day a fierce battle took place at a suburb, between the imperial troops posted there at a bridge to prevent interruptions of the consecration, and republican troops. Finally the republican troops were routed. The citizens, however, continued their resistance. The emperor, “now that he was crowned, made no serious effort to help the pope against the Normans, or to reduce the city to subjection.” (Cath. Encyc., Vol. I, p. 157.)

During a war between Frederick I and the city of



Cremona occurred the disputed papal election for the successor of Adrian IV. "As supreme protector of Christendom, Frederick claimed the right to decide the quarrel. \* \* \* The Synod of Pavia, assembled by Frederick, in Feb., 1160, decided in favor of Victor IV. Thereupon as Victor's protector, Frederick undertook to win over to the cause of this antipope the other rulers of Europe. \* \* \* Pope Alexander III, animated with the spirit of Gregory VII, refused to acknowledge the imperial supremacy. Around the pope gathered all the enemies of Frederick. *The universal papal power was destined to triumph over the idea of a universal imperial power.*" After the death of Victor IV, Paschal III became the new "antipope." These two, with an army again entered Rome, where fever destroyed the army, while behind him the Lombard League supported the pope, Alexander III. The battle of Legnano (1176) "left Frederick willing to enter on negotiations for peace," resulting in the treaty of Venice (1177). This was a compromise in which Frederick and the Lombards deprived the pope of his most important ally. Shortly after, Frederick's son Henry married Constance, the Norman Princess of Sicily. The coronation of Henry as king of Italy, in 1186, led to an open rupture with the Pope. "By skilfull management and with the aid of a majority of the German bishops Frederick evaded the threatening peril. \* \* \* At the Diet of Mainz, in 1188, Frederick took the cross, and on 11 May, 1189, started for Palestine." He met with accidental death, 1190. (Cath. Encyc., Vol. VI, p. 254.)

William I succeeded his father, Frederick I, on the throne of Sicily, 1154. Pope Adrian IV refused to recognize him as king. Hostilities followed, and Adrian excommunicated William. After the departure of Frederick, Adrian collected his vassals and mercenaries and marched south to Beneventum, a papal possession, remaining until June, 1156. He captured Brundisium and sold many wealthy Greeks into slavery. Thus deprived of his ally, the Pope negotiated a peace and agreed to invest William with the crowns of Sicily and Apulia and all other territories which the king then possessed. "William on his part took the feudal oath and became the liegeman of the Pope, and promised to pay a yearly



tribute, and to defend the papal possessions." (Cath. Encyc., Vol. I, pp. 157-8.)

FREDERICK II, GERMAN KING AND ROMAN EMPEROR.

"Frederick's sole desire was for peace for Germany, even if to secure this he had to make the greatest sacrifices; and for this reason he granted to the ecclesiastical and temporal lords a series of privileges. \* \* \* This emperor's policy was entirely dominated by the idea that without Sicily the possession of Italy would always be insecure, and that a king of Italy could not maintain himself without being at the same time emperor. This policy was naturally antagonistic to the papacy. The popes, isolated as they were in Central Italy, felt themselves compelled to prevent the union of Southern Italy with the empire. \* \* \* Innocent III had chosen Frederick as his instrument for the destruction of the Guelph, Otto IV. In return for Innocent's support, Frederick had been obliged to make promises to the pope at Eger (12 July, 1215), which would put an end to the *undue influence of the civil power over the German bishops*. \* \* \*

"Frederick had also been obliged to acknowledge the pope as his overlord in Sicily. \* \* \* Italian affairs continued to be the hinge on which turned the papal policy towards the emperor, for the popes in their efforts to sustain their traditional supremacy could not allow the emperor a controlling influence in Italy. The conflict between the two powers strangely influenced the Crusades. Frederick had been forced to pledge himself to take part in a new crusade. \* \* \* The condition of Germany, however, did not permit of the absence of the emperor. \* \* \* After Frederick's young son Henry had been chosen king, and Engelbert, the powerful Archbishop of Cologne, named vice-regent, Frederick set out for Italy. He was crowned emperor at Rome (22 Nov. 1220), and renewed his vow to take the cross. \* \* \* By a severe edict against heretics, *he placed the secular power at the service of the Church*. \* \* \* Even when he failed to keep his promise to start the crusade in the following year, the friendly relations of pope and emperor remained unaltered." Obviously, so long as the emperor would be subservient there was little motive for forcing him on a crusade away from home.

After establishing himself as the acknowledged absolute monarch of Southern Italy, he also attempted to re-establish the imperial power in Northern Italy. The result was a new hostile league of Italian cities, probably inspired again by fears of papal insubordination. Following the first open quarrel between the papacy and emperor, there came a time of savage feuds and widespread disorders. Under threat of excommunication, Frederick intended to begin his crusade, August, 1227. Fever destroyed a great part of his army, and prostrated the king himself. Nevertheless, Pope Gregory IX excommunicated him. Notwithstanding this, wishing no doubt to justify himself by success, he started on his crusade. In 1229 he crowned himself king of Jerusalem, and returned. During his absence the Curia had taken vigorous measures against him. Frederick now forced the Pope to raise the excommunication. The treaty of San Germano was an evidence of papal defeat. Frederick resumed his North Italy policy. This time he was frustrated by the threatening attitude of his son, Henry VI, now independent king of Germany, and rebel against his father's imperial authority. The father made a prisoner of his son in 1235. Henry died in 1242. Now Frederick married Elizabeth of England. As soon as order was established in Germany, he again marched against the Lombards. This brought on another conflict with the Pope, who now asserted his right to arbitrate. Frederick published an energetic manifesto protesting against the worldly empire of the Pope. Frederick's victory over the Lombards embittered the opposition between Church and State. "The pope \* \* \* again excommunicated the 'self confessed heretic,' the 'blasphemous beast of the Apocalypse' " (1239). Frederick now attempted to conquer the papal states. Gregory died, 1241, and the Holy See remained vacant for almost two years. Now the emperor was threatened by a new danger from the German Episcopate. Innocent IV became Pope in 1243. Frederick offered concessions. Innocent secretly went to Lyons, and summoned a general council for 1245. By this council Frederick was again excommunicated, followed by several pretenders appearing in Germany. Frederick died on the eve of a decisive battle, 1250.

## POPE INNOCENT AND FREDERICK.

Frederick II (1194-1250) was left an orphan in 1198. He was brought up under the wardship of *Pope Innocent III as feudal superior* of the two Sicilys. Frederick assumed their government in 1208. In 1212 he was brought forward by the Pope as an aspirant for the crown of Germany, in opposition to *King Otto IV*. (The latter had been elected king of Germany in opposition to *Philip of Swabia* in 1198. A ten-year war ended in Philip's assassination at Bomberg, 1208.) The Pope had quarreled with and deposed Otto IV, emperor of the Holy Roman Empire. Frederick, king of Sicily, was elected emperor in 1215 by the influence of the papacy acting through the Ghibelline party and the traditional supporters of the house of Hohenstaufen. He was crowned by Pope Honorius III in 1220.

The contest with the papacy was continued through the reign of his second son, Conrad IV, who was poisoned in 1254. Manfred, an illegitimate son of Frederick II, now became the guardian of his royal nephew, Conradin of Sicily. Manfred inflicted a decisive defeat upon the papal troops five days before the death of Pope Innocent IV (1254). He was crowned king of Sicily in 1258. Later Manfred was himself defeated and slain by Charles of Anjou, in 1266.

CHAPTER VI.  
CHURCH AGAINST STATE, IN HISTORY :  
PART IV.

ENGLAND.

It is said that "the grant of Peter Pence by Ina of the West-Saxons, and by Offa of the Mercians is recorded too plainly to leave suspicion that the grant of a kingdom could be concealed." (Grand Controversy, Letters No. 13 and 14, p. 32.)

Offa, King of the Mercians, having conquered the adjoining territory, was King of England 757-796. He wished to consolidate and complete the independent organization of his kingdom, partly by the institution of an added archbishopric, in order to strengthen his hold. In accordance with his request, the Pope (Hadrian I) sent legates who in a synod of 787 sanctioned the plan. Offa granted to the See of Rome a *yearly payment* of Peter's Pence. This might also be viewed as a feudal homage, as if in recognition of something like the forged "Donation of Constantine." On a subsequent visit to Pope Hadrian, he granted the latter Peter's Pence, "to be paid by every family forever to the English school at Rome." Some Englishmen deny this. (Dict. of Nat. Biog., Vol. XLII, pp. 2-5.)

William I (1027-1087) the Conqueror was an illegitimate son of the Duke of Normandy and of the daughter of a tanner. He succeeded to the Duchy, when his father died without legitimate heirs. He reigned as King from 1066 to 1087. He claimed that Edward the Confessor had promised him the succession to the English throne. Upon the death of Edward without issue (in 1066), Harold, the Queen's brother, had himself elected King by the Witen. This election was inconsistent with the Pope's "spiritual" supremacy over temporals, and with his feudal over-lordship. Thereupon William of Normandy obtained a Bull from Pope Alexander II, declaring him to be the rightful heir to the English throne. This of course involved a question of "morals." Later



William established the continental feudal system. But he also reorganized the English Church with the assistance of Lanfranc, whom he appointed Archbishop of Canterbury. By these acts William was now also ignoring the Pope's claim of supremacy. In the works of Lanfranc is included a letter from William the Conqueror to Pope Gregory VII. From this letter it appears that this Pope had demanded of William the Conqueror an acknowledgment of his subjection to the Pope.

Henry I (1068-1135) of England was the fourth son of William the Conqueror. He was, after the death of William II, elected by the Witen, during the absence of his elder brother, who was on a crusade. He suppressed the great feudatories. Saint Anselm had studied under Lanfranc, and was archbishop of Canterbury from 1093 to 1109. When William II and Henry I insisted on the right of investing the clergy, Anselm opposed them and supported the policy inaugurated by Pope Gregory VII. Henry I attempted the recall of Anselm as Archbishop.

King Henry II of England (1133-1189) claimed the English crown through his mother, Empress Matilda, a daughter of Henry I. Matilda had been deprived by Stephen. Henry I was the fourth son of William the Conqueror. The father of Henry II was Geoffrey Plantagenet, Count of Anjou.

Henry I was crowned in 1154 and made many reforms. These included the extension of the *jurisdiction of secular courts to clerical offenders*, by the Constitution of Clarendon, 1164. His reforms were vehemently opposed by Thomas à Becket, the Archbishop of Canterbury, in so far as they related to the Church. The unauthorized murder of the Archbishop by four of Henry's knights (1170) was followed by Henry doing penance at Becket's shrine (1174) and making his peace with the Pope. Roger of Hoveden was a clerk and a member of the household of Henry II. It is said that in his chronicles he preserved the oath taken by Henry II on his reconciliation with the Pope. That oath was as follows: That they (father and son, the latter afterwards King John) would not recede from Pope Alexander and his Catholic successors, as long as he should treat them like their

ancestors and Catholic Kings. This mutual obligation was sealed by kings and legate as a record for future generations. This furnishes an additional basis for the subsequent claims that King John was bound in feudal servitude to the Pope. In the last year of Henry's reign a rebellion broke out, headed by his sons, Richard and John, aided by Philip of France.

Cardinal Baronius (1538-1607) was librarian of the Vatican, and a Roman Catholic historian. According to Baronius, Henry II acknowledged the kingdom of England to be feudatory to the Pope, in a letter extant in Petrus Blesensis.

Pope Adrian (or Hadrian) IV reigned from 1154 to 1159. He is reputed to be the only Englishman who ever became Pope. He was succeeded by Pope Alexander III, who reigned from 1159 to 1181. King Henry II of England, who reigned from 1154 to 1189, had imperial designs on Ireland. As evidence of the true import of his alleged submission to the supremacy of the Pope, it is significant that in 1155 he dispatched a messenger to Pope Adrian requesting the latter's permission to invade Ireland. The Irish were represented as a brutish, immoral people, Christian only in name. The Pope pronounced his apostolic benediction on Henry II, whom he styled his dearest son, who on account of his resolution to conquer Ireland would obtain glory on earth and felicity in heaven. The army's reduction of Ireland, his "holyness" represented as the means of enlarging the bounds of the Church, teaching the truths of Christianity to a barbarous and unlettered people, and eradicating vice. The Pope's solicitude for the welfare of Irish souls, did not *prevent his stipulating for Peter Pence, which was an annual tax upon each family.* The Pontiff reminds Henry of the papal right to bestow Ireland upon Henry. Adrian's Bull was confirmed by Pope Alexander III. Here, then, is a quite perfect assertion and recognition of the Pope as the feudal over-lord of Christendom, and in a sense a recognition of the validity of the forged "Donation of Constantine" and the other more genuine later grants of supreme dominion to the Popes.

While Pope Adrian IV was in exile at Beneventum, he was visited by John of Salisbury in the interest of Henry

II of England. At the solicitation of the former, the latter gave Hibernia to Henry to be held by hereditary right, asserting authority to do so under the Donation of Constantine. While the integrity of John of Salisbury is never questioned, it is sometimes claimed that this Donation of Ireland was a forged interpolation into his writings. However, subsequent documents by Alexander III and Church Councils discredit the theory of forged interpolation. Says the Catholic Encyclopedia: "The Donation of Adrian was subsequently recognized in many official writings, and the Pope for more than four centuries claimed the overlordship of Ireland. \* \* \* Edward II did not deny that he held under that grant. By an Act of the Irish Parliament (\* \* \* 1467) after reciting that 'as our Holy Father Adrian, Pope of Rome, was possessed of all sovereignty of Ireland in his demesne *as of fee* in the right of his Church of Rome, and with the intent that vice should be subdued had alienated the said land to the King of England, \* \* \* by which grant the said subjects of Ireland owe their allegiance to the King of England as their sovereign Lord,' it was enacted 'that all archbishops and bishops shall excommunicate all disobedient Irish subjects,' " etc.

In 1555, by a consistorial decree followed by a Bull, Paul IV erected Ireland into a Kingdom, holding that the *lordship of the Kings of England was a holding "without prejudice to the rights of the Roman Church."* When the Irish were about to offer themselves to the Spanish king, the Pope through a Cardinal let it be known (1570) that: "His Holiness was astonished that anything of the kind should be attempted without his authority, since it was easy to remember that the kingdom of Ireland belonged to the dominion of the Church, was *held as a fief under it*, and *could not therefore, unless by the Pope, be subjected to any new ruler.*" (Cath. Encyc., Vol. I, pp. 158-159.)

"In conclusion [says the author of the Catholic Encyclopedia article] there is not in my judgment any controverted matter in history about which the evidence preponderates in favor of one view so decisively as about the Donation of Adrian." Also it makes it clear that the nature of the papal claim of overlordship, is of the nature of feudal supremacy by divine right.

## TROUBLES OF KING JOHN OF ENGLAND.

King John (1167-1216) was the son of Henry II. There were claims made adverse to John's ascension to the throne. As an added security and solid foundation for his ascension, John had his claims confirmed by the Barons. Stephen Langton, the Archbishop of Canterbury, protested against this relatively democratic method, since it ignored the supremacy of the Pope as the source of royal power. Thereupon King John refused to accept him as Archbishop. This resulted in the papal interdict of John's kingdom. Practically all the Church functions were suspended. The churches were closed. Images of saints were laid upon the ground and the bells ceased to toll. Not even funeral services were permitted. How the ignorant, superstitious ones must have suffered! This being ineffective, it was followed (1213) by a Bull of Pope Innocent III deposing him, releasing his subjects from their oath of allegiance, and transferring the Kingdom to Philip II of France. A parliament was called and repudiated the subjection of the people by the king. Philip's piety and ambition were kindled by the prospect of obtaining the expiation of sin, and the possession of another kingdom. He mustered an army, equipped a fleet of one hundred sail, and only waited a favoring gale to swell the canvas and waft his army to the British shores. Thereupon John made his peace with the Pope by abdicating and accepting his crown back at the hands of Pandolphus, the Pope's Nuncio. However, this was not an empty ceremony. John again took an oath of allegiance to the Pope and *agreed to pay annual tribute to him*, such as is due to feudal lords (1213). In the time of Edward III, the Pope still tried to collect feudal tribute as promised by King John.

In 1215 the Barons again asserted their supremacy by exacting Magna Charta from King John. This charter embodies most of the Anglo-Saxon liberties, and its sentiments are written into the amendments to our U. S. Constitution. Upon this Charter, Pope Innocent pronounced the following malediction: "In the name of God Almighty, Father, Son and Holy Ghost, and by authority of the blessed apostles, Peter and Paul, after having taken counsel with our brothers, we wholly condemn and reject



this Charter." The Barons were also fittingly excommunicated for having exacted Magna Charta. The Barons retorted by denying all temporal power in the Pope.

I find another account of a controversy between Pope Innocent III and King John of England. A conflict had arisen between King John and Philip (II) Augustus of France, over an alleged default of the former in some feudal homage due to the latter on account of some dukedom in France. King John appealed to the Pope. Philip claimed this to be a temporal matter and therefore beyond the jurisdiction of the pope. John was now a faithful monarch. The Pope took jurisdiction upon the ground that the issue involved the king's oath, a violation of which was a sin. Therefore, the issue had a spiritual component and was properly a matter for the Pope's interpretation, as a means of avoiding sin. So then, every official oath, and every duty under it, is a matter of morals, as to which the Pope is an infallible guide.

In this matter now under consideration, Pope Innocent III issued his decree as follows: "We intend not to judge of the fee, whereof the cognizance belongs to him [the king] but to decree of sin, whereof the censure without doubt pertains to us, which we may and ought to exercise on every one. None of sound judgment is ignorant that it belongs to our office, to correct every Christian for any mortal sin, and if he despise correction to constrain him by ecclesiastical punishment," etc. Could Governor Smith uphold a secular interpretation of our constitutions in defiance of the Pope, and without fear of any possible consequent ecclesiastical penalties?

This last case illustrates the distinction between the so-called direct and indirect jurisdiction of the Pope, so much emphasized by Cardinal Bellarmine. There was no "direct and immediate" jurisdiction over the fee of this dukedom, but there is an indirect jurisdiction by reason of the fact that the issue between the contesting persons involves a "moral" issue. The direct and immediate jurisdiction was thus limited to the then bounded "patrimony of Peter." But indirectly by the use of ecclesiastical penalties which the principals fear or submit to as a matter of conscience, the fee is nevertheless *indirectly* a matter within the Pope's jurisdiction and

control. So as to the U. S. Constitution, the Pope has no direct authority for its interpretation. But a President's oath of office, and his conduct thereunder, involves a "moral" problem, as to which the Pope is the final arbiter and "infallible" judge, for all *thorough* Roman Catholics. To interpret the oath to uphold the Constitution, unavoidably involves an interpretation of the Constitution itself. Thus an orthodox Roman Catholic President, or Roman Catholic State or Federal Judge, may, as a matter of conscience, find it imperative that he give our Constitution a theocratic interpretation. This would mean the annulment of much of the historic interpretation of our guarantees of liberty.

JOHN'S CONCESSION OF ENGLAND TO THE POPE. A.D. 1213.  
("Stubbs' Charters," p. 284.)

John, by the grace of God, king of England, lord of Ireland, duke of Normandy and Aquitaine, count of Anjou, to all the faithful of Christ who shall look upon this present charter, greeting. We wish it to be known to all of you, through this our charter, furnished with our seal, that inasmuch as we had offended in many ways God and our mother the holy church, and in consequence are known to have very much needed the divine mercy, and can not offer anything worthy for making due satisfaction to God and to the church unless we humiliate ourselves and our kingdoms:—we, wishing to humiliate ourselves for Him who humiliated Himself for us unto death, the grace of the Holy Spirit inspiring, not induced by force or compelled by fear, but of our own good and spontaneous will and by the common counsel of our barons, do offer and freely concede to God and His holy apostles Peter and Paul and to our mother the holy Roman church, and to our lord pope Innocent and to his catholic successors, the whole kingdom of England and the whole kingdom of Ireland, with all their rights and appurtenances, for the remission of our own sins and of those of our whole race, as well for the living as for the dead; and now receiving and holding them, as it were a vassal, from God and the Roman church, in the presence of that prudent man Pandulph, subdeacon and of the household of the lord pope, we perform and swear fealty for them to him our aforesaid lord pope Innocent, and his catholic

successors and the Roman church, according to the form appended; and in the presence of the lord pope, if we shall be able to come before him, we shall do liege homage to him; binding our successors and our heirs by our wife forever, in similar manner to perform fealty and show homage to him who shall be chief pontiff at this time, and to the Roman church without demur. As a sign, moreover, of this our perpetual obligation and concession we will and establish that from the proper and especial revenues of our aforesaid kingdoms, for all the service and customs which we ought to render for them, saving in all things the penny of St. Peter, the Roman church shall receive yearly a thousand marks sterling, namely at the feast of St. Michael five hundred marks, and at Easter five hundred marks—seven hundred, namely, for the kingdom of England, and three hundred for the kingdom of Ireland—saving to us and to our heirs our rights, liberties and regalia; all of which things, as they have been described above, we wish to have perpetually valid and firm; and we bind ourselves and our successors not to act counter to them. And if we or any one of our successors shall presume to attempt this,—whoever he be, unless being duly warned he come to his senses, he shall lose his right to the kingdom, and this charter of our obligation and concession shall always remain firm.

*Form of the oath of fealty.*

I, John, by the grace of God, king of England and lord of Ireland, from this hour forth will be faithful to God and St. Peter and the Roman church and my lord pope Innocent and his successors who are ordained in a catholic manner: I shall not bring it about by deed, word, consent or counsel, that they lose life or members or be taken captive. I will impede their being harmed, if I know of it, and will cause harm to be removed from them if I shall be able: otherwise, as quickly as I can I will intimate it or tell of it to such person as I believe for certain will inform them. Any counsel which they entrust to me through themselves or through their envoys or through their letters, I will keep secret, nor will I knowingly disclose it to anyone to their harm. I will aid to the best of my ability in holding and defending against all men the patrimony of St. Peter, and especially the kingdom of England and

the kingdom of Ireland. So may God and these holy Gospels aid me.

I myself bearing witness in the house of the Knights Templars near Dover, in the presence of master H., archbishop of Dublin; master J., bishop of Norwich; G., the son of Peter count of Essex, our justice; W., count of Salisbury, our brother; W. Marshall, count of Pembroke; R., count of Boulogne; W., count of Warren; S., count of Winchester; W., count of Arundel; W., count of Ferrières; W. Briwer; Peter, son of Herbert; Warin, son of Gerold; on the 15th day of May, in the 14th year of our reign. (Select Historical Documents of the Middle Ages, pp. 430-1.)

#### QUEEN ELIZABETH DEPOSED.

In his "open letter" Mr. Marshall concentrated his attention upon the case of Queen Elizabeth, as the sole illustration of papal deposition. Let me quote the summary of this event as made by a Roman Catholic priest. He wrote these words: "As late as 1570 we see Pius V, now a canonized saint, deposing Queen Elizabeth, and absolving all her subjects from their allegiance. It may be well for Catholics who look upon Elizabeth as a monster because of her persecutions, to remember that the blood of Catholic martyrs shed in her reign rests upon Saint Pius V's soul more than on hers. I am not defending her in her brutalities. His historical justice requires us to take into account that the Pope had done all that was in him to make Catholicism one with treason; that in England there was a nest of Jesuitical intriguers aiming at the Queen's dethronement and the subjugation of England to Spain; and that a most formidable plot to assassinate Elizabeth had been formed by the Duke of Guise, the archbishop of Scotland, and the Papal nuncio at Paris. Since we are not certain that the Pope himself knew of the plot, we may trust that despite appearances he was not a party to it." (Letters to His Holiness, Pope Pius X, p. 145.)

#### IN CONCLUSION.

There we have a practical illustration of the papal attitude of mind, as being utterly unchanged through the centuries. The present Roman Catholic dogma of the infallibility of the Pope on all moral questions, neces-



sarily implies the present endorsement as infallible of all of the papal acts in relation to the papal supremacy in matters of the civil State. But again, this is not left to any mere inference from general doctrines of infallibility. Whatever the Popes have actually done in the historic controversies for supremacy over any temporal matters, has again found approval expressed in the famous Syllabus of Pope Pius IX, Dec. 8, 1864. In paragraph 23, the Pope condemns this as error: "The Roman Pontiffs and the Ecumenical Councils have transgressed the limits of their power, arrogated to themselves the rights of secular princes, and even erred in defining matters of faith and morals." By condemning that proposition, the infallible Pope Pius IX is only reasserting the infallibility of his predecessors, some of whose conduct toward secular princes has been stated. Again it will seem obvious to some that nothing of the papal claims of over-lordship has even been relaxed.

## CHAPTER VII.

### SOME DEFENSE OF PAPAL SUPREMACY.

We have already seen the papal claims of supremacy, over temporals, exhibited in their pontifical acts. This fragmentary recital when coupled with their claim of unchangeableness and infallibility as to such "moral" problems, has given us considerable insight into the state of mind that must exist, before one can seriously act the part of vicar of God on earth. In the present chapter we will again allow some of the official spokesmen of the Roman Catholic Church to tell their own story. Most of this material belongs to the period of the "Grand Controversie" in England. Its accuracy then was not questioned, in the debate of which the following quotations are a part. I therefore feel safe in quoting. Those were the days when the Roman Catholic Church was at the zenith of its power, when its official spokesmen had no need for "slippery words," or equivocations. In reading this it is desirable to get away from the the acquired meaning of words, and try to understand the emotional and delusional factors involved in the state of mind which is exhibited. This will help us to see more clearly the mental content symbolized by the more "oily words" of the modern casuist, which do not specifically contradict either the letter or the spirit of these more robust utterances of the Middle Ages. Personally I fail to find any inconsistency between them. When I have shown the many meanings which can be read into our constitutions, the reader will even better understand why I cannot find one sentence in Gov. Smith's letter which is unavoidably inconsistent, with the state of mind that is implied in the statements following, all published before the eighteenth century.

The Jesuit Cardinal Bellarmine (being also Archbishop of Capua), who "reduced into form the immense chaos of controversy," has this to say about the papal power of deposition: "If the spiritual prince happens to abuse his power by excommunicating a temporal prince unjustly, or absolving their obedience without just cause, and so

disturb the temporal commonwealth: this were *sin in the spiritual prince, but yet that temporal prince could not assume to himself the judgment of spiritual things, or judge the spiritual prince*, and much less depose him from his spiritual seat." After all, that is just what the supremacy of the Pope's "infallible" moral teachings must mean, even now.

"The Pope by his spiritual and apostolic most eminent power can direct and correct the civil power, and if be needful to the spiritual end, take it away from one prince and give it to another."

This same Cardinal Bellarmine, however, also said that the Pope had no temporal power, but only a divine authority to exert power indirectly in or over temporals. So it appears that when Roman casuists deny the temporal power of the Pope, they only deny that he exercises any power having its *source* in the grant of other human beings. In other words, all his power is from God and is indirectly exerted over temporals.

"Unless, says *Franciscus Bozius*, there be one Supreme Monarch in all things, the unity of the Church cannot be preserved: for seeing the Church by divine institution doth consist of a Kingdom and a Priesthood, if it were otherwise, there should be in the same absolutely one Monarch of the Kingdom, and another of the Priesthood: That if for avoiding dissensions about sacred causes, one Supreme Head is appointed; why not in the same manner of the Kingdom, that there should be one and the same Head both of the Kingdom and Priesthood, lest in like sort there should happen dissension betwixt them? That therefore it is the rather to be held that Peter doth supply Christ's place, not only in the Priesthood, but in the Kingdom, that he might be a King, and likewise a Priest according to the order of *Melchisedech*, who was both a King and Priest. *The famous Cardinal Baronius says the same*: That *David* did foretell that the Priesthood of Christ should be according to the order of *Melchisedech*: That when Christ being a King and a Priest received all judgment of the Father, that is, most full, judicial power; He joining the same with his Priesthood did institute in the Church a regal Priesthood, translating in *suos* (*I conceive he means St. Peter and his Successors*) all the power he had of his Father. \* \* \* *Thomas Bozius tells*

us, that if Christ be King of Kings, and Lord of Lords; in like sort the Church must be Queen and Lady; that all temporal Regal power doth reside first in the soul of Christ, and then in the Church his Spouse, the Queen of the World, and from her is derived to others (Faithful or Infidels) as out of a fountain. Isidorus Mosconius says to the same purpose, *That* not only all faithful people, but likewise Infidels, and every natural creature is subject to the commandment of the Pope; he is to be worshiped of all men; and for this cause he receiveth of all the faithful, adorations, prostrations, and kissing of his feet. \* \* \*

*“But let us return to Mosconius, teaching us farther,* that the Pontifical and Regal power, and all other powers are most plentiful in the Pope, and do reside in the Pontifical dignity. *That* all dominions whatsoever depend upon the Church, and upon the Pope as Head of the Church. *That* in the Pope, Authority is considered, in Emperors and Kings power, and thence it is that power doth depend upon Authority. *That* the Pope is called universal Judge, King of Kings, and Lord of Lords. *That* Emperors and Kings may be compelled to keep their oaths taken in their Coronation and Confirmation, in that by virtue of such oath they are made the Pope’s *Subjects*. *That* all temporal jurisdiction must be exercised, not at the Pope’s command, but at his Beck. Princes will charge, command; God who is Lord of all doth by his beck command, according to that, *Dixerat & nutu totum tremefecit Olympum*. *That* Christ had full jurisdiction over all the world and all creatures, and therefore the Pope his Vicar hath so. \* \* \*

*“Carrerius in his zeal against impious Politicians and Heretics, teaches us, That* true, just, ordained by God, and mere dominion, as well in spiritual things as in temporal, was brought forth by Christ, and the same was committed to *St. Peter* and his Successors: *That* Christ was Lord over all Inferiors, not only as God, but likewise as man, having even then dominion in the earth, and that therefore as the dominion of the world was in Christ both divine and human, so it must be confessed that it was in the Pope his Vicar. *That* the mystery of Redemption being accomplished, Christ as a King gave unto Peter the administration of his Kingdom, and *St. Peter*



did execute that his power against *Ananias* and *Saphira*. *That* Christ as he is man is directly Lord over all the world in Temporalities, and that therefore the Pope is so likewise, in that he is Vicar: *That* the supreme power of judging all, and the top of dignities, and the height of both powers are found in Christ's Vicar: *That* as the divine and human dominion were in Christ, so in Christ's stead the dominion of the world in the Pope is both spiritual and temporal, divine and human. *That* the unremovable Truth doth design, by Peter's only coming by water to Christ, that the whole dominion, which is signified by the Sea, is committed to *St. Peter* and his Successors. \* \* \* *That* as the Pope cannot say he is not Christ's Vicar, so he cannot deny but that he is Lord over all things, because the earth is the Lord's and the fulness thereof, whereby all things, heavenly, earthly, and infernal are subject unto Christ the Lord; and thence it is that he did commit unto the Pope, who doth supply his place upon earth, the right of the Heavenly and Terrene Empire. \* \* \* *Elsewhere he teaches that* there are divers Powers of men given by God, and divers Authorities, all which do depend upon the highest Authority (*meaning I suppose the Popes*) and thence as the stars from the sun receive their light. *That* the Imperial power concerning the administration of temporal matters doth proceed from the Pontifical power, as the light of the Moon from the light of the Sun: *That* the Empire of *Rome* before it was converted to Christ, was a dominion usurped and tyrannical, because the true dominion was in the line of Christ. *That* the Emperor is the Pope's Minister; for God did appoint him *tanquam summi Sacerdotis Ministrum*. *That* no King or Emperor hath jurisdiction or dominion but from Christ, and by consequence can have none at all but from his Vicar. \* \* \* *Lalio Zecchius tells us, that* the Pope by the Law of God hath power and temporal dominion over the whole world: *That* the same is proved by the words, *Luke 22*. Behold here are two swords, which signify the power, spiritual and temporal: and because Christ, whose Vicar the Pope is, hath both powers according to the words *Matt. ult.* All power is given me in heaven and in earth; that thence it may be deduced that the Pope is absolutely Lord of all the Christian world; and Kings and Christian Princes

are to acknowledge that they hold of him their Empires and Kingdoms, and all, that are faithful, ought to be subject unto him: and that as oft as such Princes do any great hurt in the Church, the Pope may deprive them of their Kingdoms, and transfer their right to others. *Franciscus Bozius*, That the supreme temporal jurisdiction throughout the whole world doth belong to St. Peter's Successors: so as one and the same is the Hierarch and Monarch in all things. *That* Christ left the Church to be governed by the best form of government, but the best form of government is absolute Monarchy, even in all temporal things, therefore Christ left his Church to be so governed. *That* the Keys of Heaven were given to *Peter*, therefore of all the earth. *That* the right of dominion and relation of Infidels may justly, by the sentence and ordination of the Church, be taken away; because Infidels by reason of their infidelity deserve to lose their power over the faithful. *That* the Church hath received that power over Nations, which Christ according to his human nature received of his Father; but Christ received absolutely of his Father all power in *temporalibus*, therefore the Church likewise received it by participation of his fullness. *That* the supreme coactive power in all temporal things belongeth to Ecclesiastical persons by Divine law, revealed and expressed in the Scriptures. *That* Kings, anointed with holy Oil, are called as Vassals of the Church. *That* by reason of the supreme Monarchy in all things, temporal laws may be made, and Kingdoms taken away for just causes. *Henricus Gandavensis*, if *Carrerius cite him truly*, *That* by the Law of God and nature the Priesthood doth overtop the Empire, and both jurisdiction over Spiritualities and Temporalities, and the immediate execution likewise of them both, depend upon the Priesthood both by the Law of God and Nature. *Antoninus*, *That* they who say the Pope hath dominion over all the world in Spirituals, but not in Temporals, are like the Counsellors of the King of *Syria*, who said, the Gods of the Mountains are their Gods, and therefore they have overcome us: let us fight with them in the Plains and Valleys where their Gods dwell not, and we shall prevail against them, *3 Reg. 20*. *Augustinus Triumphus*, *That* the Son of God hath declared the altitude of the Ecclesiastical

power, being as it were founded upon a Rock, to be above all principality and power; that unto it all knees should bend, of things in heaven, in earth, and under the earth, or in hell. *'Tis come at last, this infernal power, 'twas only long of a bad memory we had it not before. That* Secular Powers were not necessary, but that Princes might perform that through terror of discipline, which the Priest cannot effect by power of doctrine: and that therefore if the Church could punish evil men, Imperial and Secular principality were not necessary, the same being included potentially in the principality Apostolical. *And why cannot the Church punish evil men, if both Jurisdictions, and the immediate execution of both be in her? But we understand him well enough; when time serves the conclusion shall be, that Princes are unnecessary, because the Church by her double power can do the business of the world without them; and so farewell useless Princes. Farther he tells us that* Imperial or Regal power is borrowed from the Papal or Sacerdotal, for as much as concerneth the formality of dignity, and receiving the authority. *Pretty formalities those. That the Pope hath jurisdiction over all things, as well temporal as spiritual through the world: That he may absolve Subjects from the Oath of Allegiance: That upon just cause he may set up a King in every Kingdom; for he is the Overseer of all Kingdoms, in God's stead, as God is the Supervisor and maker of all Kingdoms. Lancelot Conradus, That He may appoint Guardians and Assistants to Kings and Emperors when they are insufficient, and unfit for government. That he may depose them, and transfer their Empires and Dominions from one line to another. Celsus Mancinus, That in the highest Bishop both the Powers and Jurisdictions are spiritual and temporal; and that as he is the most eminent person of all men in spiritual power, so he is in temporal. Thomas Bozius, That Kings and principal Seculars are not immediately of God but by the interposition of Holy Church, and her chief Bishops. That warlike and military compulsive power is given to the Church over Kings and Princes. That if it be found sometimes that certain Emperors have given some temporalities to the highest Bishop, as Constantine gave to Sylvester, this is not to be understood that they gave anything which was their own,*



but restored that which was unjustly and tyrannically taken from the said Bishops. *Rodoricus Sancius*, That there is one Principality and one supreme Prince over all the world, who is Christ's Vicar, according to that of *Dan. c. 8*. He hath given him power, and honor, and rule, and all people and tongues shall serve him: and that in him therefore is the fountain and spring of all principality, and from him all other powers do flow. That the Bishop of *Rome* in place of Christ is set as a Prince over the whole world in spirituals and temporals, and that it is naturally, morally, and by the Law of God to be held with a right faith, that the Principality of the Bishop of *Rome* is the true and only immediate Principality of the whole world, not only as touching things spiritual, but likewise temporal, and the Imperial Principality is depending upon it, and at the commandment of the Papal Principality is movable, revocable, corrigible, and punishable. \* \* \* What think you of him who says in downright terms, That the Pope hath the propriety of the Western Empire, and the rest of the world in protection and tuition. \* \* \* But of all commend me to [*Bishop*] *Jacobus de Teramo*, who, explicating that scurvy text, Give unto Cæsar the things that are Cæsar's, tells us, It was spoken but for a time, not for ever; that it was to hold only till the Ascension of Christ; and afterwards that should come to pass which was spoken, when I shall be lifted up from the earth I will draw all things after me; that is, I will recover all the Empires and Kingdoms of the world, and will take them from Cæsar, from Kings and Princes, to give them to the Pope. I \* \* \* must pass over sundry passages of profound learning, and useful knowledge, as that *Papa* is derived from the Interjection *Pape!* because his dignity and power is admirable to all men, and is, as it were, the Amazement of the World, according to the Gloss in the Proeme of the *Clementines*, *Papa, stupor mundi, non Deus, non homo, sed urumque*. That he is God, but defined by negation, so that if one ask whether the highest Bishop be a Duke, a King, an Emperor, to answer warily we should, by denying, affirm the Pope to be *quid præstantius, quidve eminentius*. So that we may hope one day to see a mystical Theology made for the Pope, and the inaccessible mystery of his power decided by negations. That unto



the Pope, as Pastor of the Church, and Bishop of the Holy See, and by reason of his dominion and excellence is given *Adoratio Dulciæ*, such worship as belongs to Saints and Reliques. *Besides, I have seen cited, That he is holden to be Christ's Vicar not only in respect of things in earth, in Heaven and in Hell, but even over Angels both good and bad. That he is greater than Angels as touching dominion, not in respect of himself merely, but by Authority from God; and may be superior to any Angels concerning recompense of reward, and may excommunicate them. That he is equal to God, and can make something of nothing, and wrong to be right, and such pretty matters, which if the ears of you Catholics were not as much hardened as the hearts of Heretics, would sound a little oddly. \* \* \* Has not Zecchius taught us that the Pope may deprive Princes of their Kingdoms as oft as they do any great hurt in the Church? And will not the bad example of contrasting stubbornly with the supreme Pastor be interpreted a great hurt in the Church? Has not Franciscus Bozius informed us, that by reason of the supreme Monarchy in all things, temporal Laws may be made by the Church, and Kingdoms taken away for just cause? If we ask what these just causes are, Santarellus answers, That Princes may be punished and deposed, not only for Heresy, but for other causes; for their faults, if it be expedient; if Princes be negligent, if their persons be insufficient, if unsuccessful. \* \* \* But the man for my money is Thomas Bozius, who tells us plainly, That the Church the Spouse of Christ, and Queen of the world, may as often as the order of the whole doth require, etc., transfer the proper rights of one to another, as a secular Prince may cast down private men's houses for the beautifying of the City, or impose tribute for the weal public; That he may thus justly do, although he hath not erred from whom such rights are transferred to another; so the Pope gave the Indians to the Spaniards. \* \* \* Thomas Bozius, who never fails, will tell us that Christ committed to St. Peter (the Carrier of the keys of eternal life) the right both of the Terrene and Celestial Empire, as Pope Nicholas saith; from whom we have it, that he is without doubt an Heretic who taketh away the rights of the Terrene and Celestial Empire, committed by Christ to the Church of*

*Rome*, and saith it is lawful so to do; and for that he shall be an *Heretic* in such his assertions. And Carrierius, *that* the Bishop of *Rome* is the highest Father and Man of the world, and the universal Vicar, and Lord of the world, and that all others depend upon him as their builder, and that otherwise, if one should place the Emperor by himself in respect of his temporalities he should grant two beginnings, which were *Heretic*. \* \* \*

“*Hark what a Cardinal, and, which I grieve, an Englishman, hath published to the world: The Canon Laws, says he, being authenticall in the lawful Tribunals of the Christian World, do make all Heretics (not only after they be namely and particularly denounced, but by the Law itself ipso facto, as soon as they be Heretics, are de jure excommunicated for the same) to be deprived of their Dominions. Another tells us, The whole School of Divines and Canonists do hold, and that is certain and of Faith, that any Christian Prince whatsoever, if he shall manifestly deflect from the Catholic Religion, and endeavor to draw others from the same, does presently fall from all power and dignity by the very force of human and divine Law, and that also before any Sentence of the Supreme Pastor or Judge denounced against him, and that his Subjects whatsoever are free from all Obligation of that Oath which they had taken for their Allegiance to him as their lawful Prince: and that they may, and ought (if they have forces) drive out such a man, as an Apostate, or Heretic, and a Backslider, from the Lord and Christ, and an enemy to the Commonwealth, from all Dominion over Christians, lest he infect others, or by his example or command avert others from the faith, and that this certain, definite, and undoubted opinion of the best learned men is wholly agreeable and conforms to the Apostolic doctrine. Upon these grounds it was publicly maintained that Henry the Third of France was lawfully murdered before any sentence of excommunication passed against him, because, though in hidden crimes formalities be required, yet evidens notitia facti sententiæ locum tenet, & non percipit formam publicus dolor. And that he had long lived as an excommunicate person de facto though the law had not passed sentence upon him, for favoring Heretics, for Simony, for entering into league with Heretics (the Queen of England, and King of*

*Navarre*), for seizing the goods of the Church without the Pope's privity, and other offenses against the Bulla Coenoe. Upon these grounds I have seen that execrable Villian Chastel, who attempted upon Henry the Fourth what Ravillac after performed, defended by a public Apology." (The Controversial Letters, or the Grand Controversy Concerning the Pretended Temporal Authority of Popes. \* \* \* The first two Letters, Second Edition, 1674, pp. 3-16. There references to the original authorities are given. In these letters an obviously learned Roman Catholic priest did not question any of these quotations, or the historical claims made. He contented himself with quoting other ecclesiasts who seemed to hold contrary views.)

"Gregory taught the principle of the dethronement of kings, with as much decision and in as unequivocal a manner as he wielded the exercise. His infallibility, in a Roman council in 1076, decreed, that the power of binding and loosing in heaven and earth, which extended to temporals as well as to spirituals, and by which he deposed the emperor Henry, was given to the pontiff by God. Gregory, in consequence, degraded his imperial majesty in the name of the Father, Son, and Holy Ghost. The sentence, he pronounced in council, and therefore in an official capacity. He acted, he declared, by the authority of God, and therefore by divine right." (Labb, 12, 498, 499, 600, 638, 639.)

"Gregory afterwards vindicated his conduct in a letter to Herman, who requested information on this subject. The act, he said, 'was warranted by many certain scriptural proofs,' and quoted, as a specimen, the words of Jesus conferring the power of the keys. He represented, 'the Holy Fathers as agreeing in his favour with one spirit and with one voice.' The contrary opinion his holiness called madness, fatuity, impudence, and idolatry. Those who opposed, he styled wild beasts, the body of Satan, and members of the devil and antichrist. Philip the French monarch, whose soul and kingdom, Gregory affirmed, were in the pontiff's power, his holiness denominated a ravening wolf, an iniquitous tyrant, and the enemy of God, religion, and the holy church.'

"Boniface followed the footsteps of Gregory. The Roman pontiff, says Boniface in his bull against Philip,

‘wields, according to the words of the Gospel, two swords, the spiritual and the temporal. He who denies that the temporal sword is in the power of the pope, misunderstands the words of our Lord.’ His infallibility applies to the pope, the language of Jeremiah, ‘I have set thee over the nations and over the kingdoms.’ This power, continues his holiness, ‘is not human, but rather divine, and was conferred by divine authority on Peter for himself and his successors. He, therefore, who resists this power, resists the institution of God. The subjection of all men to the Roman pontiff is wholly necessary for salvation. All this the pontiff declared, asserted, pronounced, and defined.

“Gilbert, Maimbourg, and Caron admit that the pontiff, in these words, defines the pope’s temporal power from the chair, and proposes it, as an article of faith, to the whole church. According to Gilbert, ‘Boniface defined that the earthly is subject to the spiritual power, so that the former may, by the latter, be constituted and overthrown.’ ‘Boniface,’ says Maimbourg, ‘proposed the pontifical sovereignty over all earthly kingdoms, in temporals as well as in spirituals, to all as an article of faith necessary for salvation.’ ‘Boniface,’ according to Caron, ‘defined from the chair, that the French king was subject to the Roman pontiff in temporals as in spirituals.’ Durand, accordingly, states, agreeably to the canon law, that ‘the pontiff by the commission of God, wields both the temporal and spiritual swords.’

“Paul and Pius, in their bulls against Henry and Elizabeth, represented themselves as ‘the vicegerents of God, who gave the pontiffs the sovereignty above kings, and set them, in the language of Jeremiah, “over the nations and over the kingdoms, to root out, and to pull down, and to destroy, and to throw down, to build and to plant.”’ Sixtus, also, in his bull against Henry of Navarre, boasted of ‘the immense power of the eternal king conferred on Peter and his successors, who in consequence could, not by human but divine institution, cast from their thrones the most powerful monarchs as the ministers of aspiring Lucifer.’ These are a few specimens of the temporal authority which the Roman viceroys of heaven assumed over earthly kings. \* \* \* Pontifical deposition of kings was sanctioned by eight general, holy, apostolic, Roman



councils. These were the councils of the Lateran, Lyons, Vienna, Pisa, Constance, Basil, Lateran, and Trent.

“The fourth council of the Lateran [1215, regarded as ecumenical], in its third canon, enacted formal regulations for the dethronement of refractory kings. The offending sovereign, according to these regulations, ‘is first to be excommunicated by his metropolitan and suffragans; and, if he should afterward persist in his contumacy for a year, the Roman pontiff, the vicegerent of God, is empowered to degrade the obstinate monarch, absolve his subjects from their fealty, and transfer his dominions to any adventurer, who may invade his territory and become the champion of Catholicism.’ This assembly consisted of about 1300 members. The Greek and the Roman emperors attended, and many other sovereigns in person or by their ambassadors. All these potentates, in the true spirit of servility and superstition, consented, under certain conditions, to degradation by his Roman supremacy. \* \* \*

“The general council of Lyons pronounced sentence of deposition against Frederic the Second. This emperor was the object of many papal denunciations, and was cursed by Honorius, Gregory, and Innocent. Honorius anathematized and deposed Frederic, and freed his subjects from their oath of fidelity. Gregory the Ninth, says Heinricius and Du Pin, ‘proclaimed a holy war against Frederic, and cursed him with all possible solemnity.’ ‘His holiness,’ says Paris, ‘consigned his majesty to the devil for destruction.’ His infallibility’s sentence, indeed, is a beautiful and perfect specimen of pontifical execration. His holiness, seven times in succession and nearly in a breath, excommunicated and anathematized his imperial majesty, ‘in the name of the Father, Son, and Holy Ghost,’ and absolved his subjects from their oath of fidelity. The emperor, however, did not take all the hierarch’s kindness and compliments for nothing. His majesty, in return and in the overflowings of gratitude to his benefactor, called his holiness, ‘Balaam, Anti-christ, the Prince of darkness, and the great dragon that deceives the nations.’

“Innocent the Fourth, in 1245, in the general council of Lyons, repeated this sentence of degradation. \* \* \* The pontiff compared the emperor, ‘to Pharaoh and to a

serpent, and accused his majesty of iniquity, sacrilege, treachery, profaneness, perjury, assassination, adultery, schism, heresy, and church-robbery.' Having in these polite and flattering terms characterized his sovereign as an emissary of Satan, his holiness proceeded, without hesitation and in the language of blasphemy, to represent himself, as 'the vicegerent of God, to whom, in the person of Peter, was committed the power of binding and loosing, and who therefore possessed authority over emperors and kings.' The emperor's dethronement being pronounced by the viceroys of heaven, was, according to his infallibility, 'from God himself.' His denunciations, hurling Frederic from all honour and dignity, his supremacy thundered in full council, and with such vociferation and fury, that he filled the whole audience with astonishment and dismay. The emperor's vassals, absolved from all fealty, his holiness prohibited, by apostolic authority and on pain of excommunication, to obey Frederic, or to lend the fallen monarch any aid or favour.

"This sentence was pronounced 'in full synod, after mature and diligent deliberation, and with the consent of the holy council.' \* \* \* Thaddeus, the emperor's advocate, was allowed to plead his cause, and the sentence was deferred for several days for the purpose of affording his majesty an opportunity of personal attendance. The prelacy, in the synodal denunciation, concurred with the pontiff. \* \* \* Frederic, therefore, had the honour to be not only dethroned, but also excommunicated and cursed with candle light in a universal, infallible, holy, Roman council. This testimony of Paris is corroborated by Martin and Nangis. The sentence on \* \* \* Frederic was, says Nangis, pronounced after 'diligent previous deliberation with the assembled prelacy.' Innocent, says Pope Martin, 'denounced the notorious Frederic at Lyons with the approbation of the council.'

"The general council of Lyons issued another canon of a similar kind, but of a more general application. 'Any prince or other person, civil or ecclesiastical, who becomes principal or accessory to the assassination of a Christian, or who defends or conceals the assassins,' incurs, according to this assembly in its canon on homicide, 'the sentence of excommunication and deposition from all honour and dignity.' This canon is not, like the sentence against

Frederic, restricted to an individual; but extends to all sovereigns who are guilty of a certain crime. The Pope decreed this enactment in proper form, and with the approbation of the holy general council.

“The general council of Vienna, in 1311, under the presidency of Clement, declared that ‘the emperor was bound to the Pope, from whom he received unction and coronation, by an oath of fealty.’ This, in other words, was to proclaim the emperor the subject or vassal of the papacy. Former emperors, according to the assembly of Vienna, had submitted to this obligation, which still, according to the same infallible authority, ‘retained its validity.’ His holiness, on the occasion, also reminded his majesty of the superiority which the pontiff, beyond all doubt, possessed in the empire, and which, in the person of Peter, he had received from the King of Kings. ‘The grandest emperors and kings,’ Clement declared, ‘owed subjection to the ecclesiastical power which was derived from God.’ \* \* \*

“The general council of Constance, in its fourteenth session, condemned all, whether emperors or kings, who should annoy the synod or violate its canons, to perpetual infamy, the ban of the empire, and the spoliation of all regal and imperial authority. The same infallible assembly, in its seventeenth session, excommunicated and deposed all persons, whether clergy or laity, bishops or cardinals, princes or kings, who should throw any obstacle or molestation in the way of the emperor Sigismund in his journey to Arragon, to confer with king Ferdinand for the extinction of schism in the church. \* \* \* The Constantian convention, in its twentieth session, granted a monitory of excommunication and interdict against Frederic duke of Austria, if he would not restore the dominions which he had taken from the Bishop of Trent. The sentence extended to his heirs, his accomplices, the loss of his feudal dominions, which he held from the church or the state, and the absolution of his vassals from the oath of fidelity. The Constantian congress, in its thirty-ninth session, interdicted the obedience of all Christians to Benedict, and sentenced the refractory, whether bishops or cardinals, emperors or kings, to deposition and the punishment of persons guilty of schism and heresy.

“The general council of Basil imitated the examples of the Pisan and Constantine synods. This assembly, in its fortieth session, commanded all the faithful, even emperors and kings, to obey Felix, the newly-elected pontiff, under pain of excommunication, suspension, interdict, and deprivation of all regal and imperial authority.

“The council of the Lateran, in 1512, taught the same theory. Cajetan, in this assembly and without any opposition, declared that the Pope had two swords; one common to his supremacy and other earthly princes, and another peculiar to himself. Leo, afterward, in the certainty of pontifical knowledge and the plenitude of apostolic power, sanctioned the constitution of Boniface, teaching the subordination of the temporal to the spiritual power, and the necessity of all men’s subjection to the Roman pontiff for salvation. This, \* \* \* the infallible council, in its eleventh session, approved and confirmed.

“The council of Trent finishes the long array. This celebrated assembly, in its twenty-fifth session, excommunicated the king or other temporal sovereign who permits a duel in his dominions. The excommunication is accompanied with the loss of the city or place which had been the scene of combat. The territory, if ecclesiastical, is to be resumed by the church, and if feudal, to revert to the direct lord. The duellists and their seconds are, in the same canon, condemned to perpetual infamy, spoliation of goods, and, if they fall in fight, to privation of Christian burial. The spectators, though otherwise unconcerned, are excommunicated and sentenced to eternal malediction. The same synod, in its twenty-fourth session, anathematized the temporal lords of every rank and condition, who compel their vassals or any other persons to marry. Eight infallible councils, in this manner, sanctioned a principle, incompatible with [secular] political government, fraught with war and perjury, and calculated to unhinge and disorganize all civil society.

“All the beneficed clergy in the Romish communion are, according to the bull of Pius the Fourth, sworn to all these councils and canons. The following is contained in their oath. ‘I receive and profess all that the sacred canons and general councils have delivered, defined, and declared; and I shall endeavour, to the utmost of my



power, to cause the same to be held, taught, and preached. This I promise, vow, and swear, so help me God and these Holy Gospels.' Any person who should infringe or contradict this declaration, will, and commandment, incurs, according to his infallibility, the indignation of Almighty God and the blessed apostles Peter and Paul. \* \* \*

"Paul, Pius, and Sixtus, even after the commencement of the reformation, thundered deposition against Henry and Elizabeth of England and Henry of Navarre. Paul the Fifth, in 1567, issued the bull *IN COENA*. This, says Giannone, overthrows the sovereignty of kings, subverts regal sovereignty, and subjects political government to the power of the papacy. His infallibility in this publication excommunicated by wholesale, all monarchs who countenanced heresy, as well as all who, without special licence from the apostolic see, exact, in their own dominions, new *taxes and customs*. The excommunication which, according to his Supremacy's directions, is published every year, extends to all the Protestant sovereigns in the world. His holiness also enacted ecclesiastical laws against civil government, which, if carried into full execution, would overturn all regal authority and transfer all causes to episcopal jurisdiction. This bull, his holiness ordered to be published on holy Thursday and to become the law of all Christendom.

"Paul the Fifth, in 1609, issued a bull, forbidding the English who were attached to Romanism to take the oath of allegiance, which had been prescribed by the king and contained a disavowal of the deposing maxim. \* \* \* Bellarmine, on the occasion, subsidized the pontiff, and, in support of his theory, quoted Basil, Gregory, Leo, Alan, Cajetan, Sixtus, Mendoza, Sanderus, and Pedrezza. The king wrote an apology for the oath; and the Pope called the royal publication heretical, and subjected its reader, to excommunication. \* \* \*

"Paul the Fifth also canonized Gregory the Seventh, and inserted an office in the Roman breviary for the day of his festival. This eulogizes Gregory's dethronement of Henry, as an act of piety and heroism. The following are extracts from the work of blasphemy. 'Gregory shone like the sun in the house of God. He deprived Henry of his kingdom, and freed his vassals from their fealty. All the earth is full of his doctrine. He has de-

parted to heaven. Enable us, by his example and advocacy, to overcome all adversity. May he intercede for the sins of all the people.' Alexander the Seventh introduced this office \* \* \* into the Roman basilics. Clement the Eleventh, in 1704, recommended it to the Cistercians, and, in 1710, to the Benedictines. The impiety was approved by Benedict the Thirteenth, and retains its place in the Roman breviary, though rejected by most European nations." (Edgar, *Variations of Popery*, pp. 228-35, Edit. 1849.)

Now, then, we have exhibited the manner in which the official spokesmen of the Roman Catholic Church rationalized, during the Middle Ages, the dominance of the "spiritual" power. It is only a little more positive (less equivocal), in the form of statement, because then they could command a man-power nearly equal to their claimed "spiritual" authority. Bellarmine's controversial technique has, I believe, become that of most Roman Catholic casuists. Gov. Smith's letter follows that technique to perfection. In Europe, the Roman Catholics seem to talk still more frankly, or at least oftener in the old vocabulary, about the papal claims over temporal matters. This I infer from the newspapers, which report the negotiations between the Vatican and the Fascist government of Italy, for the re-establishment of an independent Papal State.

But all my previous discussion belongs to the period of the Middle Ages. Does not all this belong to "the limbo of defunct controversies"? Perhaps. And then again, perhaps not. The Popes of the Middle Ages were just as infallible as the modern Popes. Their conception of God's social polity was just as near to being infallible as any other utterance of other Popes. No Pope has ever "infallibly" repudiated the foregoing teachings. In very recent times all this has been approved. No Pope or Church Council has ever declared in favor of, or promoted, a secular State *as against a Roman Catholic theocracy*.

Here, the mode of making America Catholic is different than under European monarchies. No express grant of power, nor revolutionary reconstruction of the government, is necessary. It only requires a more thoroughly theocratic interpretation of our constitutions, and

all can come about peaceably and gradually if non-Catholics will only remain indifferent. So that American prelates do not now even talk about the papal supremacy over temporals. They only talk about the infallibility of the papal moral supremacy. Then the Protestant and "liberal" moral sentimentalists are expected to forget that this means just what a different phraseology meant (and what the uniform conduct of the Roman Catholic Church has always meant) during the Middle Ages. "Words may alter, but the Church's sense alters not." Such is infallibility. Formerly the Church asserted papal supremacy in both spirituals and temporals. Now it asserts papal supremacy in faith and morals; "moral" now including, as we have already shown, all that was formerly comprehended within the Papal power over temporals. Yes! "Words may alter, but the Church's sense alters not." How could infallibility admit an error? Maybe "defunct controversies" are defunct only as to the vocabulary employed, but not so defunct as to have changed the "spiritual" duty of Popes, nor as to have eliminated the difference between a theocracy and a thoroughly secular democracy.

Of course, all these recitals of the last preceding chapters are a part of medieval history. Gov. Smith is reported to dislike all dead issues, such as are preserved in the morgue for books. He insinuated that all such stuff as I have reproduced belongs to "the limbo of defunct controversies." Perhaps! But is it all really so dead as our Governor would have us believe? Have the "infallible" and "unchangeable" Popes really abandoned their claim of moral supremacy within the state and over civil functionaries, by virtue of which they formerly dethroned kings, transformed the sovereignty of nations and dissolved the allegiance of the Catholic populace? Father Ryan, the Professor of Moral Theology in Catholic University of America, will answer. Gov. Smith informs us that Father John A. Ryan is "voicing the best [Roman] Catholic thought" on some of these subjects. Father Ryan has written a book upon: "The State and the Church." This book is published for, and copyrighted by the National Catholic Welfare Council. It also bears this credential: "Nihil Obstat. Arthur J. Scanlan, S.T.D., Censor Librorum. Imprimatur. Patritius J.

Hayes, D.D., Archiepiscopus Neo-Eboraci. New York, February 21st, 1922." That seems to be too modern to contain anything belonging to the "limbo of defunct controversies." So then I go to Father Ryan, and ask him (who voices the best Roman Catholic thought) to tell us if the "infallible" Popes or the Roman Catholic Church have ever repudiated any of these depositions of kings, and so placed the theory of them in the limbo of defunct controversies, or whether the power which was then exercised is still justified and claimed as a part of the limbo of very live controversy of the present or near future.

Father Ryan says: "No formal, dogmatic pronouncement has ever been made by the Church regarding her precise authority in civil affairs. \* \* \* Three theories have found favor among them: The Church has *direct* power over States; her power in this field is only *indirect*; her power is *merely directive and of counsel*."

Of course just an ordinary stupid fellow like myself can't get excited about the name which papal supremacy may bear. If it works, it all looks alike, whether called "direct power," "indirect power," or "merely directive and of counsel." What we wish to know is whether, under any name, if it can bind the Governor's conscience.

Father Ryan furthermore says: "When a Pope excommunicated a prince or king, the act was clearly one of *spiritual jurisdiction*. When, as sometimes happened, it was followed by a Papal declaration releasing the subjects of the excommunicated person from their oaths of allegiance, the latter pronouncement was likewise of a *spiritual nature*; for it directly concerned the binding obligation of an oath, which is primarily a religious engagement. The question whether the subjects of a Christian prince who had apostatized from the true faith were still obliged to give him obedience, was obviously a question of religion and morals. Unless we maintain that the State is the supreme authority in matters of morality and religion [as defined by Roman Catholics], we cannot concede it the right to decide such a question. Therefore, an authoritative decision could come *only* from the Church. The effect of a decision unfavorable to the ruler was, indeed, quite the same as though the Pope had claimed the right to depose him directly. The king lost



his kingdom. Nevertheless the course of action followed by the Pope was spiritual and moral throughout. At no point did it involve any claim of *direct* civil power."

From him who voices the best Catholic thought it now appears that this supremacy over Presidential duties under his oath of office and the continuing allegiance of Gov. Smith to the United States as a secular government, should logically depend upon the moral judgment of the Pope. But our Governor may be too independent a thinker to be wholly logical in this matter. Therefore, some wish to know, whether he would accept the moral judgment of the Pope as binding upon his Presidential conscience? Conceivably the Pope might give an interpretation to Gov. Smith's official oath to uphold the U. S. Constitution, which would conflict with a thoroughly secular interpretation of the Constitution. In such an event, would Gov. Smith accept and act upon the Pope's moral judgment? Or, would he overrule the Pope's moral "infallibility" in favor of a thoroughly secular interpretation of the Constitution? According to my very dull mind, that looks as if it were almost *outside* "the limbo of defunct controversies." As yet our dear Governor and his theological advisers have not satisfied my dullness, that I am incurably stupid about this. But then that may be wholly due to my moronic limitations, in which event no further information can help me, or any of the others similarly situated.

## CHAPTER VIII.

### RISE AND DECLINE OF THEOCRACY.

We have now had a considerable, though incomplete, recital of some historic data concerning the papal dominance of kings and emperors. We have also reviewed the theologic justification offered by Roman casuists in support and explanation of the claimed papal supremacy. In conclusion it remains for us to get some sort of perspective on this past, in a way to relate that material to our present problem. Perhaps we can find in it something to help us to a better understanding of the casuistry of the present, and the evolutionary tendencies for the future.

It seems as though we may helpfully (but roughly) divide the evolution of Christian theocracy into five stages. The first stage includes most of the reign of Constantine the Great, who died in 337. Before this Roman Emperor, the Christians were almost without power. So long as they were merely unpopular missionaries, it behooved them to be meek. They believed that Jesus had been crucified, on the accusation of treasonably claiming to be King of the Jews. While remaining a despised missionary sect, it is highly improbable that the Christians would lay much stress upon claims of a spiritual supremacy or a divine right of control over the practical management of other people's temporal affairs. For all practical purposes, here there was neither divine right nor the claim of it.

The second stage, in the Christian theocratic evolution, begins with the miraculous or hallucinatory conversion to Christianity of Constantine the Great. This was followed by the more or less forcible and nominal conversion of Romans generally. Both Constantine and the Christian masses had probably never questioned the general theocratic theory of the pagan kings. Always these had been closely allied to God, often claiming to be the sons of God. The decrees of these quite absolute monarchs always partook more or less of the nature and authority of the laws of God. That was wholly consistent with the

logic of the situation, and made all political tyranny a bit more palatable, as part of the "education" for well trained serfs. It was the most natural thing imaginable that Constantine should carry over into Christianity the popular, ancient conceptions of theocracy. As with many other heathen festivals, this transference was made with little change, except the verbal one which sounded more consistent with Christian theology.

To the dull, illiterate, unthinking Christian subjects of that time, already well trained to uncritical obedience, it could make no difference whether this divine right was theorized about as coming from a heathen God or a Christian God; as coming *direct* from God to the king or emperor, or as coming *indirectly* through the mediation of the Pope. The royal but pious investitures of priests, or the solemn crowning of consecrated kings, all looked alike. In case of a conflict, the aspirants for royal preferment would probably seek the aid of ecclesiastical influences. Likewise, the candidates for ecclesiastical promotion could use the royal aid. In the common man there could have been but little consciousness of any theoretical distinction between the temporal and spiritual arms of God. This carries us to the eighth century, and is the period of incubation for an undifferentiated, half-conscious, Christian theocratic feeling, theory, and practice.

When the bishops and abbots of the Church first became possessed of revenues from lands owned by them, they would naturally be deemed subjects of the feudal lords. That is to say: they would be subject to the same rules which applied to all lay-holders of rights and properties. This implies that they would pay feudal tribute and formally do homage for their possessions before their temporal superior, and receive from him, in return for their oath of allegiance, the appropriate symbol of the legal transfer of such rights and properties.

In time the importance of the property rights of the clergy became immense, through constantly accumulating endowments from princes who bequeathed their estates, with or without joining monastic orders. With the growth of their economic might, there also came the conscious development of the infantile lust for dominance in other respects. The feudal superior naturally continued to claim an interest in the disposal of these

benefices, grounded upon his generally admitted jurisdiction over all the territories otherwise subjected to his authority. On the part of the clergy came an ever-growing resistance to such authority, and an increasing economic might, and an increasing human support in the emotionalism of increasing devotion, in increasing numbers of converts. So the spiritual lords became ever more menacing rivals of the feudal lords, for dominance in temporal matters. These irreconcilable demands, of the physically mature children of that time, inevitably led to the persecutions and religious wars of the Middle Ages. It appears now that many among us modern humans have not yet outgrown these childish demands for dominance, or the religious mode of rationalizing them.

Thus was ushered in the third period of this development, which we may roughly consider as extending from the end of the eighth century, when Charlemagne made a deed of empire to the Pope, until the establishment of the Reformation. This period covered the peak of papal supremacy, and initiated its decline. This was also the period of a progressing violence in the conflict for temporal supremacy, and of the progressing theoretic differentiation between "spiritual authority" and temporal power. The actual power is always the same. Only the words differ. Now the unsuccessful aspirants for royal and ecclesiastical honors, formed offensive and defensive alliances. Wars of conquest for and against papal supremacy were arranged, and a well rationalized casuistry was developed by the Church. Popes made and dethroned kings, and determined or absolved subjects from their oaths of allegiance, and created and transferred kingdoms. In retaliation the kings sometimes managed or attempted the election, investiture and the removal of Popes, as well as of ecclesiasts of lesser importance.

Let us now consider a little the theologic justifications that were offered in support of such claims.

The "divine right" of the Pope to dominate all humanity, in all temporal matters which are adjudged *by himself* to have the "spiritual" component of "morals," in time came to rest upon the claim of his succession to St. Peter, and his authority over temporals, alleged to have been conferred by Jesus. For some centuries this



found a binding human confirmation (but not its source) in an alleged formal charter or Deed of Conveyance from the Emperor Constantine. By this the latter transferred Rome, Italy and all the West to the Pope. This charter is extant in the canon law, and has been claimed by some to be preserved in the Vatican. When royal domains were still deemed transferrable as feudal estates, some opponents used to think it important to assert that the Donation of Constantine was forged. Now nobody cares whether it was forged or not.

Pope Gregory VII wrote to Emperor Frederick II (1236) about this grant of Constantine as follows: "It is notorious that Constantine, to whom belonged *universal* monarchy, wished that the Vicar of Christ and Prince of the Apostles \* \* \* should also possess the government of corporeal things in *the whole world*. He thought that he, to whom God had confided the care of heavenly things, should rule earthly things. Therefore he gave in *perpetuity* to the Roman Pontiff the imperial sceptre and insignia, with Rome and all its province, and the *empire itself*, considering it infamous that in the place where the head of the Christian religion had been stationed by the heavenly sovereign, an earthly sovereign should exercise *any* power. \* \* \* When the Church, imposing the yoke on Charlemagne [742-814, King of Franks, the first Christian sovereign of the West], transferred the seat of Empire to Germany; when it called your predecessors and yourself [Frederick II] to sit upon the Imperial throne; *when it conceded to you on the day of your coronation the power of the sword*, it diminished not in the least the substance of its jurisdiction." (Letters to His Holiness Pope Pius X, p. 139.)

"In an encyclical published shortly after the close of the council [of Lyons in 1245, Pope], Innocent goes still further: '*Outside the [Roman Catholic] Church there is no building safe for Hell, and there exists no power ordained of God*. It is wrong then, and shows ignorance of the origin of things, to imagine that the *Apostolic See's* rule over secular matters dates only from Constantine. Before him this power was already in the Holy See in virtue of the nature and essence of the See. Succeeding to Jesus Christ, who is at once the true king and true priest, according to the order of Melchisedech, the Popes have

received sovereignty not only pontifical but royal, and the Empire not only of Heaven but of earth. Constantine merely resigned into the hands of the Church a power which he used without right when he was outside her pale. Once admitted into the Church, he obtained, by the concession of the Vicar of Jesus Christ, authority which only then became legitimate. Secular rulers exercising their authority are only using a power which has been transferred to them, and which remains latent and potential in the bosom of the Church.' '' (Letters to His Holiness Pope Pius X, p. 140.)

For much more of this sort of rationalization, for a more or less morbid lust for power, we may recall similar passages quoted in a previous chapter. Such political theology, and the accompanying religious wars, carry us up to the time of the great Reformation under Martin Luther (1483-1546).

This brings us to the fourth stage of theocratic development, beginning with the Reformation and ending with the Declaration of Independence. The theologic justification for theocratic rule had reached its peak, and the actual power of the Popes began its decline. The issues had become more generally conscious, and the warfare was better organized. During this period it was chiefly a question as to whether the claimed divine right of kings came to them direct from God, or came indirectly through the Popes. The Reformation seems to have pretty well established in *heretical practice* the theory that kings and governments derive their authority direct from God. However, *the Popes have never yielded one particle of their former claims of supremacy.*

Every claim of divine sanction for government included some degree of union between the State and some church. On its political and social side this carried many privileges and prerogatives for priests, that are now deemed of minor importance. In its economic aspects it always meant more or less of preferential political employment of the "spiritually" elect, with other state-supported clergy. The one important factor of such a union always was *the exemption of church property from taxation.* In order that these special privileges should remain unquestioned, the priests prevented popular education. Now that this can no longer be done, they often seek to con-

trol it through and for theocratic ends,—that is, to perpetuate the prejudice which supports the clergy as privileged. The formula has always been: "Infidels, by virtue of their infidelity deserve to lose their power over the faithful." From a Roman Catholic viewpoint, Protestants of course are "infidels." Therefore heretical kings were dethroned, and only the faithful need apply for educational, political, and judicial office, when zealous orthodoxy has its way. Of course, only verbal and theoretic rewards go to God, while the social, political and economic rewards go to the more faithful, and to those "heretics" who help to keep them in power.

The trend away from theocracy found its first complete official expression in our American Declaration of Independence. That document marks the beginning of the fifth and last stage of evolution away from theocracy. This brought an attempted practice in harmony with the theory that all human governments rest exclusively upon the sanction of the governed, and are instituted exclusively for promoting their *temporal* well-being. Under this theory the jurisdiction of God and his religions are limited to the purely personal and spiritual relation which may exist between the individual and his God, however conceived. *All* temporal matters are excluded from religious concern. Humanity is still in the beginnings of this struggle for the exclusively human origin of governments and laws. The framers of our government were not all convinced secularists. Many were theocrats who were afraid of other theocrats. Now some of these rival theocrats are trying to steal a march on each other, by stealth.

The *actual* political power of the Pope has been waning. The *claims* of the papacy have not diminished in the least. The technique for realizing them is different now than formerly. There also exist many Protestant politicians, who sometimes act as if individually they were the successors of the "infallible" Popes, and conceive themselves as executioners of the political will of God. Such are still quite numerous. These talk about the voice of the people as being the voice of God, at least, so long as the voters seem willing to keep them in power. This is the last gasp of a theocratic state of mind, before becoming converted to *secular* democracy.

In order that the substance of papal claims might not

be given up, and yet might arouse the least of active hostility, there has been a shifting in the verbal statement of the papal claims. Our democratic forms and constitutions combined to make it desirable to reorganize the theocratic rationalizations, as well as to change the technique, by which the papal supremacy is in the future to be made effective in our social polity. When the absolutism of the Popes conflicted with other absolute monarchs, there was little place for indirection. Under our American constitutions all this is changed. Now all divine-righters can bore from within, through a theocratic interpretation of our constitutions.

From that view-point it becomes important that this conflict be made more conscious, and the issues clarified, by more accurate definition. By general non-Catholic indifference, and a consequent easy and stealthy ascendancy of theologic politics, we may be led back toward something like the "glories" of a supremacy of "spiritual" politicians in control of all human affairs, much like unto that which prevailed in the Middle Ages. On the other hand we may yet develop, to its logical conclusion, the tendency inaugurated by our Declaration of Independence, for a complete secularism. If so, we may also come to apply the scientific method to all human relations. This would mean the coming supremacy of the genetic, evolutionary, and social psychologists. Thus we may possibly develop to a scientific fruition, the evolutionary mental process toward a complete secularization of governments, which marks the last stage so far indicated. When we have arrived at this scientific stage, the theory that the laws of the land are built upon laws of God will be regarded as a survival of pre-Christian paganism, or a symptom of theo-mania.



## CHAPTER IX.

### THE CONSTITUTION HAS MANY MEANINGS.

The Constitution says that: "Congress shall make no law respecting an establishment of religion." Gov. Smith says: "I believe in the absolute separation of Church and State." He also informs us that he has nineteen times taken an oath to uphold the Constitution. Such assurances are utterly worthless to our discussion, until we know Gov. Smith's mental content for the constitutional words, and his own words. How does he interpret "religion" and its jurisdictional limits? *Where* does he draw the boundary between the moral jurisdictions of the Roman Catholic Church over his conscience, when he is officially dealing with social problems in the "twilight zone," where the Pope claims, and all thorough secularists deny, the Pope's moral supremacy?

We have already seen enough to know that there are differences of desire, as to the relationship of the Roman Catholic Church and civil governments. In the historic conflict, it has often happened that persons who had been ordained Roman ecclesiasts, supported the divine right of kings and emperors, without recognition of the Pope's supremacy. Sometimes they even asserted the supremacy of such a "*godly*" State over the Pope and his Church. Of course, such ecclesiasts *never* had the papal approval. Neither did they long retain the papal recognition for their clerical claims, at least not without repentance. So far, I have never found even one Roman Catholic ecclesiast who opposed every, *even indirect*, form of "divine" control over civil governments. In other words, I have never found even one Roman Catholic priest who advocated the theory that the authority of civil government rested *wholly and exclusively* upon the consent of the *purely* human judgment of the governed. Then the consenting subjects are not thought of as mere puppets, to make effective somebody's conception of the political will of some sort of divine being. This means that I have never heard or read of a Roman priest who was a thorough

secularist. Of course, there may be many such, and Gov. Smith may be among their supporters. But is he? In view of the uncertainty in the meaning of words, it seems necessary to describe more fully the various and conflicting states of mind, each of which can truthfully affirm a belief in the absolute separation of religion and churches from the States. They differ as to the place where the dividing jurisdictional line is drawn. When I have thus made it clear that even an extreme theocrat can believe in the verbal separation of religion and churches from politics and the State, then we will again ask Gov. Smith to please inform us *in what sense* he approves of the constitutional words. It is still hoped that Gov. Smith will help us to get this discussion where it is not a mere futile quibbling about the meaning of words, but a debate about the mental content and relative intelligence involved in the irreconcilable claims of supremacy, which the equivocal words may symbolize.

#### A THEOCRATIC STATE OF MIND.

The divergent states of mind with which citizens accept our constitutions and their guarantees of religious liberty may well be divided into four groups. In the first group let us consider the mental state of all those who are, at least temperamentally, theocrats. Professionally and outwardly they may be democrats. It is a fairly safe guess, to say that every one of the one hundred and fifty sects in the United States have some members who, in their temperamental essentials, are theocrats, even though they must use a democratic political machinery to accomplish their theocratic ends. With so much by way of introduction, let us try to get some mental image of the way in which a theocratic mind could explain itself.

“The Almighty has appointed the charge of the human race between two powers, the ecclesiastical and the civil; the one being set over divine and the other over purely human things. When the highest authority on earth for Almighty God is conceded the rightful control, the Church and State are each a perfect society, because both rest upon divine sanction and promote the divine will. The Church deals with the ‘inward principles,’ that is, with the things of the spirit, of faith. The civil powers deal

only with 'outward behavior or external profession,' that is with morals, which includes justice and education.

"The laws of the State rest upon the commandments of God, and are never allowed to contravene them. God has appointed an earthly arbiter to inform us what is His will and word, whether in matters that are purely spiritual, or mixed spiritual and temporal. Accordingly there can be no conflict between the Church and State, unless the will of God is ignored. Properly interpreted, the United States Constitution is a part of the ordinances of God.

"The Church is the 'invisible government' of the spirit, just as the State is the 'visible government' of God in all matters of moral theology. The invisible King rules over both governments. Through His highest authority on earth He exercises a rightful veto power both upon Church councils and all civil legislation which even remotely concerns in any part or to any degree the welfare of a Christian's soul.

"The civil government rests upon Divine authority just as does the ecclesiastical. Within the limits of their respective divine purposes and jurisdiction, the power of each is supreme and independent of the other; and each power must subordinate its will to the will of God, as made known through the highest authority on earth empowered to proclaim God's will. The one true Church is supreme and exclusive in its jurisdiction over all purely spiritual matters, which are always of the higher importance. In consequence of this, it is also the supreme judicial power, for deciding questions of its own jurisdiction, in case of conflicting claims, and is supreme over all the subject-matter involved in such conflict of jurisdiction.

"The Church is not a mere mystical union of souls. The Church is also a society of living men, but with a spiritual aim, and it is also a visible polity, like the secular polities among which it exists. Since the authority of the State is also derived from God, the State is bound to recognize and support the superior juridical right of the Church in all matters that are of mixed spiritual and temporal factors. The Church (for some Protestants, the individual religious conscience) must be treated as being relatively infallible in matters both of faith and morals, and therefore its members are bound to obey the State

only so long as it does not contravene their conception of the moral law (as that is interpreted through one's Church, the Pope, or a God-given conscience, or the Mormon Prophet, etc.). The *exclusive* jurisdiction of the State is therefore limited to only those matters over which the Church is not supreme, namely: matters which are neither purely spiritual, nor mixed spiritual and temporal, nor of the divinely revealed moral code (moral theology), of which all justice and educative influence is a part. *If in the opinion of the Church* (or of an individual God-given conscience) there are any governmental functions, which can be performed by the State without including anything classified as either faith or morals, then that remainder is the exclusive and supreme domain of the civil power. All such other activities, and only such, may be regarded as being *purely* temporal, and therefore as matters over which neither the Church (nor the individual God-given conscience) will make any claim of jurisdiction, or of a right of resistance. In such matters, *wholly* free from spiritual or moral components, all God-fearing people will recognize as belonging to the exclusive and divine right of the civil State. It is evident then that for such truly religious persons, there can never be a conflict between the Church and State. This presupposes that the Constitution is properly interpreted in harmony with the divine will, as made manifest through God's highest earthly authority. My Church believes (and I believe) in the absolute separation of Church and State, as their jurisdictions are hereinabove defined. If all men had been thus obedient to the will of God, in all matters involving faith and morals, no religious war or religious persecution could ever have taken place. Thus only can we have God's peace on earth, as it is in Heaven."

I have not formulated the theocratic view so as to insure the approval of any particular group of theocrats. Their formulations will vary according to differences in temperamental needs and cultural status. I have tried to make a sort of composite formulation of the elements of unification in the theocratic urge. Accordingly no group will be wholly satisfied with my statement. Only those who bear in mind that I am trying to exhibit a common mental state, rather than a commonly accepted theoretic formulation, will see its approximate validity.



Theocracies, under this group, differ according to the varying conceptions of what is the political (moral) will of God, or as to our sources of information concerning it. Roman Catholics and Mormons each have their own inspired living mouth-pieces of God. Protestants depend upon a more or less private and personal interpretation of the Bible. A few claim private revelations. The Protestant Reformation did not renounce the Divine right of Kings, or of governments. Then as before the issue was largely one as to whether kings held their right to rule directly from God, or from God through the mediation of the Pope. In either event, they claimed to be responsible only to God, not to the people.

When Gov. Smith says that he believes in a separation of Church and State, does he maximize the field of religion and minimize the scope of the purely secular function of the State? Where does he draw the line between the two? Those who are thorough secularists would rather not vote for a candidate who believes in such a theocratic interpretation of our constitutions. Only a person who is and wishes to remain secretly a theocrat, will resent an inquiry as to whether or not his conscience will induce him to act, so as to promote a theocratic or secular interpretation of our constitutions.

#### A THOROUGH SECULAR VIEW.

Now we come to the portrayal of the state of mind of those secularists who also insist upon a separation of Church and State, but accompanied by the maximizing of the secular function. It is hoped that we are approximately correct in assuming that such persons might formulate their views something like this: "Religion is purely a private and personal 'spiritual' exercise. At its most successful flight from worldly affairs, the spiritual life consists of the 'mystical union of the human soul with God.' In its lesser degrees, religiosity consists in the discipline, or purely 'spiritual' preparation, of the 'soul' for the future attainment of the 'mystical experience of God.' The Church is an 'invisible society,' a mere 'mystical soul-union' of those who aspire to, or who have in some sense achieved the 'mystical union with God.' Neither religion nor the Church, as thus conceived, can possibly have any concern with *any* temporal or secular

affairs. Therefore Church and State must ever remain separate, and there can be no conflict between them.

"From this viewpoint, the State concerns itself exclusively with the secular and temporal aspects of human conduct and relations, and no others are recognized. The State is based on the purely human judgment of the people, and not in the least degree upon the sanction or the will of God. It wholly excludes all 'spiritual' relations and values, as the 'spiritual' is conceived and hereinabove implied. It excludes from consideration, and from its laws, everybody's conception of 'God's will,' or of 'divinely revealed morality.' It excludes from consideration all claims that the secular State shall ever aid in preparing humanity for any religious or 'spiritual' experience or life, either here or hereafter. Under the complete separation of Church and State, all legislation is based *exclusively* upon *purely* human considerations of wholly temporal expediency. Therefore, religious societies have only such temporal or legal rights as the expedience of the purely secular State may see fit to permit. These cannot include any priestly immunities, exemption from taxation, or public pay, for religious exercises, or religious services rendered to the State. The only religious conflict that can come is one between secularists, who believe in such a complete separation of Church and State, and those religionists who ignore the limits of the 'spiritual' province of religion, as that is hereinabove set forth.

"Ignorantly, but in the misapplied name of the Divine will, these theocrats will mistake their own lust for power as the will of God, and so they seek wrongfully to control the secular and temporal affairs of humans, as if in God's name, or by His authority. Sometimes there may be an acute conflict between rival theocrats within a State, each of which groups seek to control the rest of us, in that which all others consider as purely secular and temporal affairs. In harmony with their separate and irreconcilable craving for dominance, each will formulate his notions of 'God's will' in harmony with his own limited intelligence or the lack of it, and in harmony with his own emotional needs and lust for power. All such conflicts are made impossible by the general acquiescence in a complete separation of Church and State, and of

religious theory from political theory, as these have been hereinabove summarized. If all persons had confined their religious values to the religious scope as outlined hereinabove, there never could have been a religious war nor any religious persecution. Religious peace on any other condition is the slavery to superstition."

Has there ever been a Pope, Cardinal, Bishop, or Priest of the Roman Catholic Church, who was actively and publicly engaged in promoting *such* a secular conception of the separation of Church and State, at a time *when* there was a larger measure of union between the State and the Roman Catholic conception of religion? Does Gov. Smith have a mental content such as the secularists hereinabove described, when he says that he believes in the separation of Church and State? Has he ever promoted, or does he intend hereafter to promote, such a more complete secularization of the United States?

If Gov. Smith should become President, he will have a number of Federal Judges to appoint. These must interpret the First Amendment to our United States Constitution. When that time comes, will he appoint men who have a well known predisposition to interpret the First Amendment in harmony with such a thoroughgoing secular ideal? Or, other things being equal, will he prefer to appoint a person not known to be thus predisposed, or known, at least to the President, to have theocratic leanings? That is a *very important* issue as to which all secularists must wish to know the contents and workings of Gov. Smith's Catholic-trained inviolable conscience.

Those who believe in a theocratic interpretation of our constitutions will prefer to vote against such a secularist. The secularist will prefer to vote against a theocrat. By this means a Roman Catholic is not proscribed on account of his religion, unless he chooses to define the boundaries of his religion so as to include a theocratic interpretation of our constitutions, and so as to eliminate the distinction which secularists make between that which is religious and that which is purely secular.

#### THE MIXED VIEW.

We have now had portrayed to us two utterly irreconcilable theories of government, and corresponding theories of constitutional construction. One of them we

have called "theocratic," although it is supported under various disguises and names, and often with unawareness of its true nature. The other is the purely secular conception. Between these two extremes many inner compromises are effected, usually without any self-consistent or cohesive theory. Such middle ground positions are supported by many Protestants and "liberals." Such positions may well be assumed to be the product of muddle-headedness. All of these variants we can classify as being roughly in a somewhat similar psychologic group. This then brings us to a third attitude of mind toward constitutional construction.

Members of this group are quite well satisfied if a few of their own pet sentimentalisms are enacted into the statute law. They think only in terms of concrete desires and legislation, rather than in terms of general principles or social tendencies. Therefore, they are quite willing, even anxious, to have the co-operation of those more thorough theocrats who are more certain that their support comes from heaven. Such "liberals" are very amiable indeed. They may even barter whatever half-conscious or confused secular principles which they possess, with the "Fundamentalist Pope," the Roman Catholic Pope, the Prophet, Seer, and Revelator of the Mormon Church, or any other influential spokesman for God. Likewise, many theocrats are so eager for their pet measures, that they gladly accept the co-operation even of such willing politicians as otherwise are believed to be under the influence of satan. In harmony with this, there is also an ignorant unconcern as to whether or not a given precedent will tend to increase the secularism of the State, or is promoting the control of one or another of the aspirants to theocratic power. The actual result is always a boost toward theocracy. Unfortunately, even our judicial decisions are conflicting and conform to no clear-cut general definition.

#### ACCEPTANCE WITH TEMPORAL LIMITATIONS.

A fourth group is composed of those who can accept any existing condition under our constitutions, but with a consciousness that they accept only what is temporarily inevitable and but a means to the promotion of their own respective "ideal" ends. Thus Christian Socialists and



Christian Communists may accept a high degree of secularism, under our constitutional separation of Church and State, but do so mainly because the Constitution provides for its own amendment, or can be differently interpreted when they get into power. So they accept it, as at present interpreted, but not as a permanent policy, and with the hope to make their respective conceptions of divine, economic justice a constitutional reality. Agnostic or Atheistic Socialists and Communists may hope for a more thorough Secularism than now exists. Even some Anarchists, who surely wish to go to the extreme of destroying every *legalized* influence of religion, might accept our American constitutions as best suited to their ends, because the right to amend our constitutions implies the means to negative all coercive government, so they too can accept it as a temporary makeshift toward "better" social relations.

So it is also suspected that some Roman Catholics accept our constitutions, and the present status of the Church under our limited degree of success in separating Church and State, as being temporarily inevitable. Also for them do our constitutions afford a means, and an easy opportunity, for achieving their ultimate aim of approximating a complete theocratic rule. This, of course, can be accomplished by constitutional amendment, but much easier by a legislative and judicial extension of existing precedents, which interpret our constitutions so as to permit the larger religious dominance. Thus they may hope to secure everything provided in our foregoing statement of theocratic ambitions, if they so desire it.

In the Syllabus, or a collection of *errors condemned* by Pius IX, Dec., 1864, the following propositions as to the relations of Church and State, are condemned: "55. The Church is to separate from the State and the State from the Church. 56. *The laws of morals need no divine sanction* nor is it by any means necessary that the human law should be conformable to the natural law, or *should take its binding force from God*. 57. The science of philosophy and of morals, and in like manner the civil laws, may and must deviate from the Divine and ecclesiastical authority. \* \* \* 76. The abolition of the civil power possessed by the Apostolic See would be most conducive to the liberty

and felicity of the Church. 77. In our age it is no longer expedient that the [Roman] Catholic religion should be the *only* religion of the State, to the exclusion of all other forms of worship." All these are condemned as errors. All thorough secularists will probably approve these condemned propositions.

These various re-affirmations, within a single Syllabus, of the demand for some practical union of the Roman Catholic conception of religion and of the State, shows its importance in the Pope's estimation. Since Gov. Smith accepts the Pope as an infallible guide in matters of faith and morals, we may logically impute to him a belief in the Pope's views concerning the above errors. In an earlier chapter I have exhibited the binding character of this Syllabus upon the orthodox conscience. Against this imputation the Governor makes a general declaration in acceptance of our constitutional language for a separation of Church and State. By the foregoing discussion it has been made plain that such a general declaration does not necessarily imply a difference of opinion, or of mental content, between the Pope and Gov. Smith. Neither should we be too hasty in assuming that the Governor means to be inconsistent, or to repudiate the infallibility of the Popes in these matters. It is obviously true that Catholics, like non-Catholics, have a varying mental content, when they affirm their belief in a separation of Church and State. Because of the past history of the Roman Catholic Church and its record of intolerance, and its claim of infallibility and unchangeableness, most non-Catholics will tend to interpret the foregoing statements of the Pope, against his having become liberalized and modernized. Many would like to find in Gov. Smith a different state of mind. Therefore we are much interested to know in what sense our constitutional guarantees for a separation of Church and State and for freedom of speech are accepted by the Governor, a Roman Catholic candidate for high office.

Evidently there are Romanists who accept at least a part of the Constitution as a direful temporary unavoidable evil. Gov. Smith informs us that Rev. Father John A. Ryan is "voicing the best [Roman] Catholic thought." In the same book from which Gov. Smith's letter quotes I find this: "Constitutions may be changed and non-

Catholic sects may decline to such a point that *the political proscription of them may become feasible and expedient.*" (The State and the Church, p. 38.) If Father Ryan should be foolish enough to read this book, he may be happy to learn that amending the Constitution is needlessly cumbersome. It is very much easier, and avoids all disturbance of the public tranquillity, to just get a few more theocratic consciences at work in the Supreme Court. They will do it all by the painless method of piece-meal theocratic constitutional construction.

It is being made plain, I hope, why many still hope to have Gov. Smith tell us, which one of the four herein-before described attitudes of mind, upon this question, conforms most to his own. Where does he draw the line between the jurisdiction of the Roman Catholic Church and other churches, and the *purely* secular functions of the civil power? Or between the "moral theology" of his Church, and the wholly and *purely* human and secular legislation? It is only by knowing where Gov. Smith draws that line that we can know whether or not he proposes to increase or to lessen the legislative influence of the papal social polity.

Obviously now, it is of no importance that Gov. Smith has nineteen times taken an oath to uphold the Constitution of the United States. What we wish to know is: which interpretation of the Constitution insures his loyalty? If Gov. Smith becomes President, and should ever be impeached for acknowledging an allegiance in matters of state, higher than that which he gives to the United States, his defense may be built upon such issues of constitutional construction. He is welcome to use these suggestions, without any liability to me for attorney's fee. Let us hope that, in the event of an impeachment, he will have a fairer trial than that which he gave to Gov. Sulzer of New York.

EVERY ONE MAY CHEERFULLY ADMIT THE GOVERNOR'S DEVOTION TO THE WORDS OF THE CONSTITUTION. PROTESTANTS BELIEVE IN THE WORDS OF THE BIBLE, AND YET ARE CALLED "HERETICS" BECAUSE THEY ACCEPT THE BIBLICAL WORDS IN A DIFFERENT SENSE THAN THAT WHICH ROMAN CATHOLICS ASCRIBE TO THE WORD. THOSE WHO HAVE NEED FOR ASCRIBING GREAT MORAL VALUE TO HERETICAL POLITICAL OPINIONS, MAY CALL A THEOCRATIC INTERPRETATION OF OUR CONSTITUTIONS

“DISLOYALTY.” HOWEVER, MR. MARSHALL DID NOT CHARACTERIZE IT AS DISLOYALTY. ONLY GOV. SMITH’S CONSCIENCE FOUND IT NECESSARY TO DO SO. ONE MAY WONDER IF HE KNOWS WHY. TO TELL WHY, MANY OF US WOULD LIKE TO KNOW IN JUST WHAT SENSE GOV. SMITH ACCEPTS THE CONSTITUTIONAL WORDS ABOUT A SEPARATION OF CHURCH AND STATE? WHICH MEANING IS IT THAT HOLDS HIS DEVOTION? IS IT A SECULARIST’S INTERPRETATION, OR A THEOCRATIC INTERPRETATION WHICH LURES HIS LOYALTY?



## CHAPTER X.

### EMOTIONAL SMOKE SCREENS AND FATHER DUFFY.

Having now seen the different senses in which one may affirm a belief in a separation of Church and State, we may return to the Marshall-Smith correspondence. Before discussing the more pointed evasions of the letter signed by Gov. Smith, an effort will be made to dissipate some of the emotional smoke screens which befog the issues, and which probably diverted the interest of his readers toward the irrelevant. Gov. Smith's particular emotional and religious control will necessarily be implied, and perhaps apparent, in the particular kind of smoke screen which he accepted and used. Thus, quite unconsciously, he may have revealed more of himself than he intended to do. With so much by way of suggestion, let us proceed with a study of some of these emotional smoke screens.

I. In one place our Governor appears to have metaphorically wrapped himself in both the papal and the American flags and dramatically declared: "I join with fellow Americans of all creeds in a fervent prayer, that never again in this land will any public servant be challenged, because of the faith in which he has tried to walk humbly with his God." Certainly Mr. Marshall did not question Gov. Smith about his faith, or challenge the humility of his walks with God. This is absolutely certain, *unless* the Governor includes within *his* conception of "religious faith" those political beliefs and functions which most non-Catholics classify as belonging exclusively to the *purely* secular, human activities. This is the admission implied in his words.

The emotional effectiveness of the above quotation was to stimulate unenlightened Protestant readers to some feeling of unity with the Roman Catholic Church, and so divert their attention away from the many irreconcilable factors which must unavoidably bring conflict over the Church-State issue. The Governor's language last above quoted also invites sympathy for a poor fellow who is

martyrized for his religion. All sentimental "liberals" of course heartily respond to the agonized cry of every martyr.

Mr. Marshall's letter, in its emotional effect upon Gov. Smith, made him willing to sign this: "I should be a poor American and a poor Catholic alike if I injected religious discussion into a political campaign." The implication that Mr. Marshall did this is false, unless Gov. Smith again uses the word "religious" so as to include such matters as others consider to be of *purely* secular concern. Once more he pleads "guilty" to Mr. Marshall's implication, at least, until the Governor gives us an exact definition of the scope of his religion, and the limits beyond which his Church does not control his conscience.

II. Gov. Smith also quotes Archbishop Ireland as follows: "Both Americanism and Catholicism bow to the sway of personal conscience." The emotional effect of thus combining "American" and "Catholic" in the cry of injured innocence for sympathy is heightened by combining these words with the implied glorification of sick consciences. Again he befogged the issue between theocratic Americanism and thoroughly secular Americanism. All patriots of the more emotional type might thus be led to a blind confusion of patriotism and Catholicism, and therefore give the same intensity of emotional devotion to Gov. Smith as they already attach to their own patriotism. Thus many of such persons were also led blindfolded into the Smith camp.

What, then, was the probable character of the emotional push which compelled Gov. Smith to introduce the first above quoted irrelevance? A psychologist might guess that it was merely an unconscious projection into Mr. Marshall, of something "un-American" which the Governor only felt about himself, without any conscious thought upon the subject. If he had been sufficiently conscious of the emotional processes that were at work, he might have expressed them in some such words as these: "Because of the teachings of some Popes about their supremacy over the State, Mr. Marshall has sought to discredit my Americanism. In revenge I will now discredit his Protestant Americanism by similarly accusing him of intermingling religion and politics." Was not Gov. Smith by that very attitude seeking a favorable reli-

gious prejudice, in a discussion which Mr. Marshall had kept strictly on the level of social polity? Is Gov. Smith really so ignorant as not to see that all this is wholly a matter of juggling with words in a double sense? Or wholly a question of definition? Persons willing to be understood do not usually conduct their discussions in this manner.

III. Several times the Governor's letter thus half-consciously diverts the attention away from the conflicting claims of the Roman Catholic Church and those of a wholly secular civil government, to an issue of impropriety in Mr. Marshall's questions. This occurs when he calls Mr. Marshall's questions "a challenge to his patriotism and his intellectual integrity." Again we see the martyr pose, which diverts attention away from the real issue. To quote Roman Catholic authorities on matters of social polity, and then to ask Gov. Smith if he believes these doctrines (and in what sense he believes or rejects them), is neither a challenge to his patriotism nor to his intellectual integrity. Perhaps he could have felt it to be an insult only if he had an inner conflict about the matter, and one side of him did actually accept the doctrines quoted, and in the sense imputed to him. In reality the inquiry was only an effort to discover the quality of the Governor's political intelligence. If neither the Governor nor his numerous advisers could see this, as merely implying differences of mental predisposition toward constitutional interpretation, then their combined intelligence cannot be highly rated. Since those who are responsible for this part of the letter, signed by the Governor, must distort a perfectly proper political inquiry into a personal insult, a psychologist might wish to investigate whether or not this was an unconscious defense-mechanism, to a half-conscious guilty conscience, over some suppressed secret interpretation of the Constitution.

IV. A similarly implied distortion of Mr. Marshall's inquiry is found in Gov. Smith's reference to "the theological questions you [Mr. Marshall] raise." No "theological question" was raised, as non-Catholics usually understand "theological." However, there was a "theological question" if by "theological" Gov. Smith includes all those political activities which his Church regards as having mixed "spiritual" and human factors, and over

which the Popes therefore claim a supremacy which is denied by non-Catholics. If Gov. Smith used the words "theologic question" in that sense, then it would seem that Mr. Marshall's logical but tentative imputations were justified. If the Governor did not really feel that his "religious principles" include what others consider as "*purely political*," then Gov. Smith would scarcely have signed the last quoted statement. Neither would he have avoided a precise definition of *his conception* of the line dividing the "spiritually" mixed and the *purely* secular functions of the State.

V. Under the influence of similar evasive emotionalism, the letter signed by the Governor described Mr. Marshall's inquiries as imputing "a conflict, between religious loyalty to the Catholic faith and patriotic loyalty to the United States." Again, a psychologist discovers the emotional attitude of a martyr-pose and its emotional appeal sustained by doubtful derogatory implications. With less hysterical emotions, and therefore with more capacity for seeing things straight, Gov. Smith's advisers might have discovered that only his intelligence was being challenged, to define the line where *his* religious conscience ends, and where *his* mental capacity for *purely* secular human judgments begins. That would inform us how he, for official purposes, will interpret our constitutional guarantees for a separation of Church and State. The Governor's answer to that issue will determine many voters in their choice of candidates. In none of these emotional appeals of our Governor, do I assume that either he or his advisers used any conscious psychologic theory or cunning for the purpose of deception. This technique of theirs is as old as the childhood of the race. They just expressed their own emotional needs, and discovered that they worked. This emotional technique did work, chiefly upon those who were equally ignorant of the emotional process at work within themselves.

VI. The letter signed by Gov. Smith contains these words: "You [Mr. Marshall] seem to think that Catholics must be all alike in mind and in heart, as though they had been poured into and taken out of the same mould. You have no more right to ask me to defend as part of my faith *every* statement coming from a prelate than I should have to ask you to accept as an article of



your religious faith every statement of an Episcopal bishop, or of your political faith every statement of a President of the United States."

I will not waste any time on the unintelligent analogy which is hereinabove suggested, as between the relationship of Gov. Smith and the prelate of the Church to whose jurisdiction he belongs, and the relationship of a citizen to the President of the United States. Here I am not much concerned with kindergarten lessons in logic. It is enough to say that once again there is a play upon the ignorance of readers. Therefore, I proceed to discuss the position which Gov. Smith sought to justify with his absurdly faulty analogy.

I cannot believe that Mr. Marshall, or any other intelligent person, assumes that Catholics, any more than Protestants or Agnostics, "must be all alike in mind and in heart." Even persons who affirm the same creeds always differ from others of their group, in the degree of their healthy-mindedness, their general intelligence, their orthodoxy, and the maturity of their intellectual methods. This implies that Catholics, like Protestants, present a varied mental content notwithstanding they may use the same creedal words. Even parochial schools are not 100% efficient. That is exactly why it is necessary to ask precise information of Gov. Smith. It was only because of his awareness of these conditions, that Mr. Marshall could have thought it worth while to write his "open letter." That letter was his method of finding out whether Gov. Smith drew the line between the jurisdiction of the ecclesiastical and civil authority, where that line appears to have been uniformly drawn by the Popes, or where it is variously drawn by non-Catholics. Instead of imparting that information, Gov. Smith again poses in the rôle of injured innocence as if wishing us to extend sympathy to him, on the plea that Mr. Marshall made a damaging assumption about him, which assumption Mr. Marshall did not in fact either make or imply. Was the Governor's *touchiness* about the imaginary assumption of his complete conformity with prelates, due to a desire to conceal the extent of his obedience? or the extent of his "heresy"? I do not know.

VII. Gov. Smith, quite unconsciously, made another obvious admission of his general subordination to

ecclesiastical influence, when he called upon Father Francis P. Duffy to help him answer the political questions asked by Mr. Marshall. Gov. Smith explains that he is not a "theologian." Of course, a politician does not have to be a "theologian" in order to express his own personal views about any social polity whatever. Furthermore, no theologian, merely as such, could possibly be of any help. Governor Smith was not asked for an authoritative statement of the teachings of his Church. On the contrary, he was only asked as to *his own opinions* concerning certain teachings alleged (perhaps erroneously) to emanate from his Church. It was not his opinion as to the alleged source of those teachings that was asked for, but his personal opinion concerning the substance and content of those teachings, about the papal supremacy and jurisdiction. Notwithstanding that all this was obvious in Mr. Marshall's letter, the Governor's letter says this: "It seemed right, therefore, to take counsel with someone [Father Duffy] schooled in the [Roman Catholic] Church law, from whom I learned whatever is hereafter set forth in definite answer to the theological questions you [Mr. Marshall] raise."

In view of all the content, tone, and omissions of Gov. Smith's letter, the calling in of Father Duffy again suggests that our Governor was more interested to make an irrelevant defense of the Roman Catholic Church than to make a full and fair exposition of his own state of mind, concerning the limits of the papal jurisdiction in the control of his conscience. Father Duffy could only tell Gov. Smith what must be believed for the sake of orthodoxy, and what may be professed without endangering the soul. Obviously Father Duffy could only advise or command the Governor's *profession*. He could not help the Governor to discover his own pre-existing beliefs about social polity. Gov. Smith, wholly unaided, could have told us what he presumably already believed about papal supremacy, unless indeed his beliefs are conscientiously intrusted to the authority and custody of his Church. One who is unafraid of priestly disapproval would not be dominated by the irrelevant desire to defend the Church. For just simply telling us what was *his* own state of mind, about any alleged social polity of his Church, no Father Duffy would be needed, or helpful.

Only one whose conscience and intellect are held in habitual subordination to a priesthood would find it necessary to ask a priest what may be professed concerning any social polity, even though of the Church.

Is Gov. Smith's personality filled with pious fear of losing his soul by offending the Roman priesthood? Is he therefore under an inner necessity for obedient "political" subordination to it? Or is his personality one with an indifference to priestly authority, and with confidence in his own capacity for independent moral judgments that contradict even the "infallible" decrees of the Pope? A candidate who is *much* afraid of losing his soul, by being out of harmony with the social polity of his Church, will naturally need priestly aid before venturing to have and publish his personal opinion about such social polity. To be thus afraid also perhaps means a complete obedient subservience to the political will of God, as that may be offered to him through the prelates of his Church. It may be wise once more to ask ourselves: Does not the letter of Gov. Smith show more concern for the good will of the ecclesiasts of the Roman Catholic Church than for the confidence of non-Catholic voters? Or more than for the promotion of a secularist's interpretation of the laws and Constitution of the United States?

If Gov. Smith will not give us exact self-revelation, then we must resort to logic and to the emotional implications of his letter. These implications may indicate that he will hold the Presidency as bestowed by God through his Church and the Pope, rather than by virtue of any *purely* secular authority. "God gives the power but the people choose those who hold it. \* \* \* This is supreme democracy." (State and the Church, Father John A. Ryan, pp. 287 and 63.) Upon such issues our inferences from the Governor's uncertain general language may be wholly misleading, both for and against his candidacy. We ask him to help us and protect us against all such self-deception. He may have called upon Father Duffy not from the parochial school mental habit, but just because the whole situation was very exciting to him. In that event, the inferences to be drawn from Father Duffy's contribution to Gov. Smith's letter may deceive us. The remedy is easy. To correct it, it is only necessary that

Gov. Smith define for us the jurisdictional boundaries beyond which his Church and his religion do not influence his conscience.

Whether conscious of it or not, this appeal to Father Duffy was probably determined by an obsessing emotional dependence upon the papal representatives, and an emotional identification with their interests. To create such an emotional status is the function of parochial schools, such as Gov. Smith attended. Nothing less potent could have induced our Governor to assume the rôle of "defender of the faith." It is only fear of the priesthood, or what it stands for, which induces one to call for ecclesiastical help, before undergoing a surgical operation, or endangering one's soul by a self-revelation, concerning any alleged social polity of one's Church. Such a fear also tends to the subordination of one's worldly opinions and official conduct to the supposed social polity of one's Church.

Since our Governor found himself unable to express a mere individual opinion about an alleged social polity of his Church, without calling for priestly aid, we may reasonably infer that he would take no other action, which might involve Romanist social polity, except in compliance therewith. In case of doubt, therefore, it seems as if his conscience would compel him to seek and obey some prudent director like Father Duffy, or some one higher up. Of course, these are only logical inferences, and may not correspond with the facts. However, they must stand in lieu of the facts until Gov. Smith makes an unequivocal repudiation of them. Before we have finished this review of his letter, it will be apparent that he has not yet made such answer.

In controversies which involve the Pope, or his social polity, one or both of the parties may act as if the subject-matter included something religiously very sacred. Then there is quite certain to be a transmission of more heat than light, evincing more zeal than knowledge. Consequently there will be a stimulation of emotions rather than of sane thinking. In all such cases the psychologist is apt to suspect a "double personality."

It is not a calm courage which impels one to resort to boisterous protest, martyr-poses, question-begging epithets, smart "jimeracks," a "laugh and a wink," or gen-



erally the rhetoric of the emotions. A well-unified personality manifests "fearlessness" (if one can still call it that), by looking every fact square in the face; by meeting every relevant challenge fully and frankly; by quite unemotionally pursuing and exposing the trail of the truth to the uttermost reaches. This will then be done without bravado or apology; without fear or favor; without feeling insulted; without being humiliated, or without acting as if to inflict humiliation; without any intellectual dodging of the logical or political consequences of one's own position, no matter how extreme or unpopular the conclusion to which we are led. Only a well-unified personality will exhibit the higher degree of devotion to all facts. Such a candidate for public office will exhibit his own mind to the fullest, because being void of all fear of being misunderstood, or caught in deception. Such a person would fully and frankly express *his own* thought about the issues over the social polity of any church, or of the Papacy, because unwilling to acquire office through even self-deceived voters. He would have no need for theological counsel to first advise him as to what he is supposed to believe, or may safely profess to believe. Can Gov. Smith present to us such a well-unified personality devoted to promoting a thoroughly secular interpretation of our laws and constitutions?

## CHAPTER XI.

### HELPS TO SELF-DECEPTION OF LIBERALS.

Roman Catholic casuists have an interesting technique for soothing the tired nerves of those who might be made fearful about the continuing claims for papal supremacy. It seems to be a psychologic law that constitutional cowards like to mask their own weakness by joining in the ridicule of a similar cowardice in others. Upon this psychologic need the tricky casuist makes his play, and Governor Smith's letter uses their method. I wish to show how this works.

When the Governor suggests that the Church and State issue is "from the limbo of defunct controversies," every psycho-neurotic "liberal" swells with pride, over his "progressive" remoteness from "defunct controversies." Also, this gives him a fine excuse for evading a painful conflict. At once his critical intellect is closed to an inquiry as to whether or not "the defunct controversy" is *really* defunct. With *sentimental* liberals, either Agnostic or Protestant, a pleasant question-begging epithet is often more potent than an objective fact.

When the letter signed by Governor Smith says: "You may find some *dream* of an ideal of a [Roman] Catholic State, having no relation whatever to actuality, somewhere described," the liberal who needs to conceal his own need for escaping the consciousness of objective realities, will exhibit a righteous scorn of those who would attack a Romanist dream "having no relation whatever to actuality." So his attention is again diverted, and he refuses to ask: what is being done *to make the Roman Catholic dream an actuality?*

The liberal reads: "In practice, however, the foregoing propositions [which look like a union of Church and State and an increased intolerance when achieved] have full application only to the completely [Roman] Catholic State." Of course no such *completely* Roman Catholic State actually exists. Accordingly "the propositions of Pope Pius IX condemning the toleration of non-

Catholic sects do not now apply [that is operate completely] even to Spain or the South American republics, to say nothing of countries possessing a greatly mixed population." In the face of that, how can any high-brow liberal (Agnostic or Protestant) be so ridiculous as to inquire if the Roman Catholic Church is doing anything to bring into the actuality of America that "dream of an ideal of a [Roman] Catholic State"?

Isn't it perfectly obvious in Protestant countries that for the Roman Catholics "nothing else [can be expected by Catholics, and nothing] remains for the State than to exercise tolerance towards them all, or *as conditions exist today* to make complete, religious liberty \* \* \* a principle of government." Again the psycho-neurotic liberal swells up with a sense of ultimate and irrevocable achievement. It is as if he personally has made this a *permanent* policy of the Roman Catholic Church. Again it becomes impossible for him and absurd for others to make any serious inquiry, as to whether any group is seeking stealthily to destroy his "irrevocable" achievement. "That is good Americanism and good Catholicism." Don't ask any questions.

So there is much palaver, as about our "blessed inheritance of civil, political, and religious liberty, safeguarded by the American constitution." When Cardinal O'Connell talks thus, every "liberal" is reassured in his own infallible dream, that all is safe, so long as the sacred words of our Constitution remain undisturbed. It surely must be treasonable to suggest that theocratic Presidents, Congressmen, and Judges could find a way of explaining the Constitution so as to establish under it all the theocratic privileges first acknowledged and put in force by Constantine the Great.

In America, a Protestant nation has put constitutional limitations upon the powers of government, that might even preclude the proscription of Roman Catholics. It is not surprising that Archbishop Ireland should say: "It was a great leap forward on the part of the new [Protestant] nation, [as compared with the England of that time] towards personal liberty and the consecration of the rights of conscience." When a prince of "the only true Church" condescends to utter such a compliment, it is surely an unpardonable insolence to ask if the suprem-

acy of a Roman Catholic theocratic conscience in an ideal Roman Catholic State, would not be a still greater "leap forward" than any that has been achieved so far.

"Archbishop Dowling, referring to any conceivable union of Church and State, says: 'So many conditions for its accomplishment are lacking \* \* \* that the thesis may well be relegated to the limbo of defunct controversies.' " Many "liberals" love their wish-fulfilling phantasies more than disturbing facts. Of course, after that reassurance by a real honest to God Archbishop, not one of them will dare to ask whether we do not already have a fair start toward the ideal union of churches and the State under the equivocal words of our constitutional guarantees? Even if it were obvious to him, that our courts have already prepared the ground for an ideal Roman Catholic State, through the more thorough theocratic interpretation of our constitution, no liberal will be so ungentlemanly as to ask any impertinent questions about Governor Smith's dominant conscientious impulse, when he appoints Federal judges or affirms his devotion to the indefinite words of our constitutional guarantees.

Next comes our dear Archbishop Ireland and announces the unsuspected fact that (the words) "religious freedom" are the most important item in our "liberal" system of fetish-worship. Of course the Archbishop did not say it that way. He was quoted by the Governor's letter thus: "Religious freedom is the basic life of America, the cement running through all its walls and battlements, the safeguard of its peace and prosperity." In the face of such pleasant rhetoric, *how could* any liberal assume that any Roman Catholic might possibly have a different conception of "religious freedom" than is held by some Protestants and many Agnostics? Those who are not "liberals" merely, will impudently ask what is the mental content for that "liberty" which any aspirant for the Presidency hopes to promote?

Obviously Roman Catholics living in a Protestant nation prefer a separation of the State *from a Protestant Church*, over a union of the State with Protestantism. This is expressed in some beautiful words quoted from Cardinal Gibbons: "American Catholics rejoice in our separation of Church and State, and I can *conceive of no combination of circumstances likely to arise* which would



make a union desirable to either Church or State. \* \* \* For ourselves we thank God that we live in America \* \* \* 'where religion and liberty are natural allies.' '' Isn't that wonderful? Only a wild-eyed communist would stop to ask if the conditions for a union of the Roman Catholic Church and State were not right here at our door and more than half fulfilled.

But here is the real genuine soothing syrup, with the original copyrighted signature of Dr. Ryan: "Pope Pius IX did not intend to declare that separation is *always* unadvisable, for he had more than once expressed his satisfaction with the arrangement obtaining in the United States." Of course!! In a Protestant country, a separation of the State from the Protestant Churches gives much more satisfaction to Roman Catholics than could be derived from a union of any Protestant Church with the State. But Father Ryan did not say or mean that the present arrangement is more satisfactory than a practical (even though not theoretical) union of the State with the Roman Catholic Church and its social polity. No true "liberal" gentleman, Protestant or Agnostic, will be so suspicious as to read the rest of Dr. Ryan's book (*The State and the Church*) in order to find what he really meant.

The issue is really not so obscure as all these equivocal statements imply. Either the Pope, as the infallible arbiter of the political morals and the social policy of his Church does or does not *now* claim a divine authority for absolving Catholics from their oath of allegiance to "heretical" monarchs and governments. Either he does or does not now claim a divinely authorized supremacy over the "moral" problems passed upon by such governments. Either Governor Smith does or does not believe in the Pope as such an infallible moral guide and supreme authority. For over a thousand years the popes have consistently made their claim or acted as if they possessed such authority whenever opportunity offered, and the power existed. Church councils have also approved this. For over a thousand years the papal failure to disclaim such continuing "divine authority" has been used by Protestant and other governmental secularists, to discredit the Papacy, the Roman Catholic Church, and many individual Roman Catholics. Yet, in all these thousand

years, *not one* unequivocal authoritative statement has ever come from any Pope permanently disclaiming such supremacy, or renouncing the divine authority under which the overlordship has been claimed and actually exercised. Not one of the statements made or quoted by Governor Smith renounces or limits the claim of "divine authority" or supremacy made for the Popes. Therefore we quite logically infer that this claimed supremacy of the Pope, or the Roman Catholic Church, over the civil State is still maintained and accepted by Governor Smith. The conspicuous silence is then being preserved until a time when the physical power shall be sufficient to make the "divine authority" effective. "Where might is equal to its right, it will rule the world." (Approved in Cath. Encyc., vol. IV, p. 272.) Roman Catholic laymen, whose conscience accepts the claimed "infallibility" of the Pope as to all "morals," must logically be inferred to accept also his claim of supremacy over temporals, until the individual layman actually and unequivocally repudiates such belief, as his own permanent and irrevocable mental state. Even beyond this, *some* laymen may reasonably be asked to also repudiate the Roman Catholic teaching about mental reservation. Governor Smith has done neither and apparently all "liberals" support him in his silence. It is so painful to disturb their peace of mind by impertinent questions, possibly leading to disturbing facts.

"With these great Catholics I [Gov. Smith] stand squarely in support of the provisions of the Constitution which guarantee religious freedom and equality." So also say the Atheists, but with a very different meaning and aim. I never knew even a liberal who did not squarely support the *words* of the Constitution. How could anyone but a Bolshevik or an Anarchist, dare to ask to what meaning that support of the Constitution is given by Alfred E. Smith?

## CHAPTER XII.

### GOV. SMITH'S ALIBI.

In Gov. Smith's letter he makes it obvious that he wishes all of us to believe that there is no possible conflict between a secularist's interpretation of our constitutional guarantees for a separation of churches from the State, and the Roman Catholic interpretation of these guarantees. By denying the existence of that conflict, he seems to excuse himself from defining his personal interpretation and desires in that connection. This then I treat as his alibi—his defense for a complete evasion of the crucial issue. In a subsequent chapter it will appear that the Governor's denials can be explained on the assumption of his ignorance of the historic issues which eventuated in our constitutional guarantees, and the consequent ignorance of their varied interpretations. Our Governor is reported as bragging that he never reads history and is unconcerned about the controversial issues discussed by our dead ancestors. One may wonder if the Governor's advisers are also boastful of their relative illiteracy. In this present chapter, the Governor's denials of the conflict will be critically examined, in order to expose their inherent inadequacy, their evasions, their misleading tendencies, and the Governor's advisers.

I. Our Governor says: "I am unable to understand how anything that I was taught to believe as a [Roman] Catholic could possibly be in conflict with what is good citizenship. The essence of my faith is built upon the Commandments of God. The law of the land is built upon the Commandments of God. There can be no conflict between them." That is like the ancient heathen formula, used long before the Christian era. Then kings also ruled by "divine right," claimed to be the "son of God," and their decrees were held to be the laws of God. That formula embodies the whole essence of every theocracy that has ever infested this earth. It looks as though Gov. Smith had again pleaded "guilty" to Mr. Marshall's imputations. Of course, there is no conflict so long as we all accept the same "infallible" arbiter to tell us what

are the laws of God, which are to be enacted into the laws of the land. Neither can there be any conscious inner conflict within Gov. Smith, so long as he can avoid any independent thinking, such as may bring conclusions in conflict with his parochial conscience.

However, the external conflict is always imminent in the above quotation, so long as anyone upholds the theocratic notion that secular statutes are (or should be) built upon the commandments of God, and so long as there are those who prefer a thoroughly secular government. What the difference may be, will be made clear hereafter. What non-Catholics would like to know is this: Which way will Gov. Smith's Roman-Catholic-trained conscience decide a conflict, when there is a dispute about the meaning or application of a Roman Catholic conception of God's will and various "heretical" conceptions of our religious duty to our fellow-man? Of that Gov. Smith has given us no *direct* information. Also: *How will his Roman-Catholic-trained conscience decide a conflict of jurisdictional claims, as between the Pope and the Roman Catholic Church on the one side, as against the jurisdictional claims of Atheists, Agnostics, Pantheists, Deists, and Protestant secularists, who make a contrary claim, derived only from an historical and thoroughly objective interpretation of our constitutions?*

It is not reassuring nor informing, to those who are fearful of a Roman-Catholic-trained conscience in such a matter, to be told that "with Catholics, conscience is the supreme law which under no circumstances can we ever lawfully disobey." All non-Catholics' misgivings arise from that very doctrine, when the "sacredness and supremacy" of one's conscience has been trained to include a belief in the Pope as an "infallible" guide in all matters of faith and morals, which includes the Pope as the dominant authority for deciding (in all doubtful or mixed questions) whether the ecclesiastical or the secular civil authorities shall control the situation.

II. Again says the letter of Gov. Smith: "You [Mr. Marshall] imply that there is a conflict between religious loyalty to the Catholic faith and patriotic loyalty to the United States. Everything that has actually happened to me during my long public career leads me to know that no such thing as that is true." That does not enlighten



us as to where Gov. Smith will stand when a conflict does arise between conceptions of religious loyalty and of constitutional rights, as these may be differently conceived by some Roman Catholics and some secularists. This objective conflict is obvious, at least, to all who still hope for a thoroughly secular State.

III. Again our Governor says: "If there were conflict, I, of all men, could not have escaped it." A psychologist might say that probably he could not have wholly escaped contact with the external evidence of that conflict. It is very easy, yea, unavoidable for many persons, to exclude unwelcome facts from consciousness and from contemplation, whenever these come in conflict with theologic theories that have great emotional value. Witness the Fundamentalists' reaction to the biologic evidence for evolution. Indeed, practically all intellectual disputes are conditioned upon just such differences in the relative incapacity for the more perfect co-ordinations.

It may be deplorable that Gov. Smith's psychologic imperatives excluded from his consciousness the existence of this conflict of aspiration, which millions feel to be an important ever-present objective political fact. These millions hope that Gov. Smith may yet become sufficiently conscious thereof to inform us of his attitude. Let me again reformulate the question: *In the event of an issue of legislation or of constitutional right, which is partly religious or "spiritual" (according to Romanists' standards), and of purely human and secular concern (according to Protestant secularists' standards) and a resultant conflict in the jurisdictions claimed under the Roman Catholic moral theology and the purely secular and historical interpretation of our laws and our constitutions, then to which of these conflicting claims would his inviolable Roman-Catholic-trained conscience lead Gov. Smith?*

IV. Once again the Governor reassures us as follows: "I have never known any conflict between my official duties and my religious belief." That is unfortunate, though perhaps inevitable. There could be no such subjective conflict for him, so long as his *conception* of "official duties" is controlled by the religious predispositions of an exclusively Roman-Catholic-trained conscience. For such persons as are adequately obsessed by such

childhood training, there may never be a *conscious subjective* conflict. It must require either great ignorance or pathologic obsession to preclude one from being aware of the *objective* conflict between some conceptions of Roman Catholic social polity and secularists' claims against it. What many desire to know is, what will Gov. Smith do about the obvious conflict *objective* to him? When a claim of right is made under an objective historical interpretation of the Constitution, and a contrary claim is made, which is based upon the claim of superior jurisdiction in the Roman Catholic hierarchy, and this latter claim is plausibly justified through a more subjective interpretation of the Constitution, how then will Alfred E. Smith as President reach a conclusion as to such conflicting claims? Will it be referred only to the unconscious mental processes of his Roman-Catholic-trained conscience? Has he any other, or more consciously supervised intellectual method?

V. The Governor also tried to show that the Episcopal Church holds the same doctrine as do the Romanists concerning the "twilight zone." The Episcopalian articles are quoted as follows: "The Power of the Civil Magistrate extendeth to all men, *as well Clergy as Laity*, in *all* things temporal; but hath no authority in things *purely* spiritual." The difference between this and the authoritative papal doctrine is that the latter, instead of conceding the State to have jurisdiction "in *all* things temporal," would imply or place the word "purely" between "all things" and "temporal." In other words, the Romanist doctrine apparently asserts a papal jurisdiction over *all matters of mixed* "spiritual" and temporal nature, and the Episcopal doctrine appears to withhold from civil jurisdiction only the "*purely spiritual*." There is also much Romanist teaching to the effect that the Catholic clergy *assert* a right to special privileges and exemptions from the civil jurisdiction, merely by reason of their trade. The Protestant Episcopal Articles are quoted *negative* such exemptions. These two matters are of the very essence of the difference between a union and a separation of a church and the State. However, this does not mean that every Episcopalian is a secular democrat, and every Romanist a theocrat. It must be remembered that sometimes a theocratic temperament accom-

panies and overrules democratic professions. At times the reverse may also be true. It is the personal equation, rather than doctrine, that is important. Obviously, Gov. Smith has again evaded the issue concerning his own state of mind and conduct, in case of a conflict of jurisdictional claims as between the Roman Catholic Church and a secularist's interpretation of the Constitution. What Episcopalians think about it is here wholly irrelevant.

VI. Our Governor further assures us that there can be no conflict of jurisdiction between "religious principle and political duty \* \* \* except on the *unthinkable hypothesis* that some law was to be passed which violated the common morality of all God-fearing men." What does he mean by "the common morality of all God-fearing men"? Are the contributors to his letter and Gov. Smith all so ignorant as to think that all non-Catholics have the same standards and the same moral values and mental content as in the "moral theology" of Roman Catholics? Or does he limit "God-fearing men" to only those who fear "the only true God in the only true way," that is to say in the Roman Catholic conception and way? (More of this when we come to discuss the Romanist conception of the separation of Church and State.) What of the morality of those who fear a "false God," that is to say, a "false" conception of Him? Here I have in mind Pantheists, Hylotheists, Deists, Mormons, Christian Scientists, etc., each sect with its own variety of detail in the formulation. Perhaps many Evangelicals may also come under this category. How about those who only believe in a godless Nirvana? Or those others who have outgrown all belief in any kind of God-given morals? The last-quoted statement from Gov. Smith shows no knowledge of even the existence of these "heretical" moralities and consciences. Have these no right to consideration in their interpretation of the constitutional functions of a secular State? Are all such moralities within Gov. Smith's "unthinkable hypothesis"? Have such persons no right to influence legislation in ways that now seem "unthinkable" to him, and which a Roman Catholic conscience will respect? May not such voters rightfully ask to be informed where Gov. Smith would draw the outer boundary line of his conscientious "polit-

ical" duty to God? Are these moral claims of the arch-heretics to be sacrificed by the political activities of the combined Fundamentalist theocrats? If so, then a union of Church and State now exists, in spite of our constitutions, and in spite of Gov. Smith's ignorance of the fact. This is admitted by Father Ryan. (See: *State and Church*, p. 31.) The letter signed by Gov. Smith gives no sign that he is aware of the existence of over sixty million of population which has so little religion as not even to be counted in the statistics of church membership, which many believe to be padded.

It may be news for many, that there are a few persons of considerable intelligence, who appraise all *moral* valuations as mere psycho-neurotic symptoms. What rights have such persons under our constitutional guarantees, when these are interpreted by the help of the Governor's Roman-Catholic-trained conscience? Is there anything in his conscience that would prompt him to enforce existing, or promote other laws for punishing as blasphemy the propagation *among Roman Catholics* of such scientific hypotheses? Or of Atheism? Or Agnosticism? Or of Protestant "heresies"? There is much Roman Catholic literature which would deny the existence of rights for such persons, equal with the rights now conceded to Roman Catholics for proselyting among non-Catholics. But we are more interested in Gov. Smith's personal views. All this again suggests only the desirability, yes, the urgent necessity, for defining the limits of the Governor's inviolable religious conscience, in so far as that is related to his construction of the Constitution and its province, in connection with Roman Catholic conceptions of divine morality, and even in relation to the "freak religions" of our citizens: also, Atheists, Deists, Pantheists, and Agnostics.

VII. It is also said by Gov. Smith that: "In the wildest dreams of your imagination you cannot conjure up a possible conflict between religious principle and political duty." Of course that must seem perfectly true for some theocrats, because in effect they deny the secularists' ordinary distinction between the religious and the political, by making the "spiritual" absorb all of the temporal. Did our Governor again unconsciously enter his plea of "guilty"? Objectively such a statement



as his is utterly meaningless, for want of definitions. If it was believed to have objective meanings, then it was made in ignorance, or to mislead. Probably Gov. Smith means only that he will experience no such conflict as a subjective fact, because his political conscience has been thoroughly unified by his parochial training; or else he has some secret theocratic way of harmonizing his definitions of the province of both religion and of politics. If this is not his personal secret, then why did he not, and why does he not even now, tell us where and how he draws the line between religious principles and purely secular political duties? However, it is important to others to discover if there exists a conflict between such subjectively harmonizing definitions of Gov. Smith and some differently harmonizing definitions of a secularist, or even of a Klu Kluxer. The mental content of an Agnostic who uttered that statement, last above quoted, might be very different from the mental content of all Roman Catholics, or Klu Kluxers, or Fundamentalist Protestants, each of whom might honestly utter the same general words. What was the mental content of Gov. Smith, when he signed the above statement? Where is *his* boundary line between *his* "religious principles" and *his* conception of "*purely* secular human action"?

It can not be expected that Gov. Smith will draw the line in a way to satisfy all, or even a majority. However, it is just *his* conception of where that *dividing* line is, that many persons are troubled about. A Presidential candidate not wishing to deceive, will not conceal his opinions upon a matter that appears so vital to so many millions of voters. Many still hope and expect Gov. Smith to enlighten them. The issue rests with him.

VIII. Our Governor also says this: "I go further to demonstrate that the true construction of your [Mr. Marshall's] quotations by the leaders of [Roman] Catholic thought is diametrically the opposite of what you suggest it to be." It was wholly irrelevant to the voters' political problem, whether Mr. Marshall had secretly or otherwise misinterpreted the language quoted by him from the Popes, and from other Roman Catholic ecclesiasts. These alleged theories were important only in so far as they explained why any one cared to know Gov. Smith's views about such matters. The essence of Mr. Marshall's in-

quiry was not to express or to find the true meaning of his quotations. It was to learn whether Gov. Smith accepted such doctrines, in any sense in which the Governor might see fit to expound them; not whether the Church held them in this sense or that. The real or imagined teachings of the Church were only the occasion for writing the letter, not the essence of the debate. Always it was only *the Governor's* state of mind in relation to some alleged Romanist social polity that was the legitimate political issue. In so far as the "true construction" of Romanist doctrine is used as an alibi for the Governor's evasion, it will now be shown that not one of his quotations really makes an unequivocal denial of Mr. Marshall's imputations.

IX. Gov. Smith quotes Father Ryan, as "voicing the best [Roman] Catholic thought." Father Ryan says: "The [Roman] Catholic doctrine concedes, nay, maintains, that the State is co-ordinate with the [Roman Catholic] Church and equally independent and supreme *in its own distinct sphere.*" Is there anything left to that "distinct sphere" if we concede all that is claimed by the Roman Catholic Church? We are not told where the line is drawn as between their respective jurisdictions. It can be, and has been so drawn, that practically nothing is left to the *purely* secular sphere. Neither the Governor nor Father Ryan, either for himself or for his Church, denied the jurisdictional supremacy of the Roman Catholic Church in the case of conflicting claims. And yet our Governor *seems* to have thought the last quotation an answer to Mr. Marshall's question, as to whether or not the Governor would recognize the supremacy of the Roman Catholic Church's jurisdiction in the all-inclusive "twilight zone" of conflict. One wonders if Gov. Smith really knew the ambiguity in this phrase, or just accepted it blindly on his faith in Father Duffy. Anyway, it worked wonderfully toward the self-deception of liberals.

X. Again our clever letter-writer tells us: "Archbishop Ireland said: 'To priest, to Bishop, or to Pope (I am willing to consider the hypothesis) who should attempt to rule in matters [purely?] civil and political, to influence the citizen *beyond the range of their own orbit of jurisdiction* that are the things of God, the answer is quickly made: "Back to your own sphere of rights and

duties, back to the things of God."''' Is there really anything "beyond" the jurisdiction of the Roman Catholic Church? Again we wonder, why all this evasion of definition for the outer boundary of "the things of God." Here is no pretense of information as to where the line is drawn between a Roman Catholic conception of the jurisdiction of Cæsar and that of God. Still we plead with Gov. Smith to tell us which jurisdiction is supreme in the "twilight zone," so far as *his* feelings, conscience, and judgment are concerned. We know what the Popes have said. For our present purpose it does not even matter much what they actually meant. What is most important, is to discover just what is Gov. Smith's mental content upon this subject? Many would like Gov. Smith to repudiate what the Popes' opponents commonly suppose the Popes to mean. It would be gratifying to many if he could do this without previous ecclesiastical permission or the subsequent seeking of forgiveness.

XI. The next evasion comes in this meaningless sentence: "Your [Mr. Marshall's P. E.] Church, just as mine, is voicing the injunction of our common Saviour, to render unto Cæsar the things that are Cæsar's, and unto God the things that are God's." That old "saw" has done service for many centuries, in fooling people to a thorough self-deception. In the seventeenth century controversies, it was called "that scurvy text." Many democratic liberals read "that scurvy text" and then shouted as if they had discovered that Gov. Smith and the Pope draw the line, between the jurisdictions of God and Cæsar, just where liberals or thorough secularists draw the line. Is it ignorance, or cunning, or only over-reliance upon uncritical advisers, that makes Gov. Smith ignore this crucial issue, as to just what are the respective jurisdictions of Cæsar and of God,—of the *purely* secular and the mixed spiritual and human? These "oily words" about God and Cæsar give us no information whatever, as to where Gov. Smith draws the line between Roman Catholic social polity and *purely* human politics. That is the core of the whole controversy. Again he has evaded the issue, and perhaps allowed his readers to deceive themselves about his "liberalism."

XII. Father Duffy must have smiled slyly when this sentence was being penned: "As Cardinal Gibbons said



of the supposition that 'the Pope were to issue commands in purely civil matters':—'He would be offending not only against civil society, but against God, and violating an authority as truly from God as his own. Any Catholic who clearly recognized this would not be bound to obey the Pope.''' The joker here is in the word "purely" as a limitation upon "civil matters." The implication is that in all mixed issues the Pope is supreme. That is what is feared, and not denied either by Cardinal Gibbons or Gov. Smith. Where does Cardinal Gibbons draw the boundary line of the "purely civil matters"? Hereinafter it will be made clear beyond quibble that the "twilight zone" of mixed spiritual and temporal is so inclusive as to leave little or nothing in interhuman relations which belongs to "PURELY civil matters." Why all this hokum? Why not simply tell us where the line is drawn, or who prevails in case of conflicting claims of jurisdiction? Is it the Roman Catholic Church and the Pope? Or is it the secular power of the civil State? Please answer, Gov. Smith.

XIII. Here is another bit of unconscious humor, taken from the letter signed by Gov. Smith: "Bishop England, referring to our Constitution, said: 'Let the Pope and the Cardinals and all the *powers* of the Catholic world united make the least encroachment on that Constitution [may I add, "rightly interpreted"?], we will protect it with our lives.''' Would Bishop England, or any other Roman Catholic Bishop, or Gov. Smith, give up his life to protect the Constitution *in a thoroughly secular interpretation*? Has any Roman Catholic priest ever even verbally defended such an interpretation? Would one of them give up his life to prevent the exemption of Roman Catholic Church's property from taxation? Or to prevent the exemption of Romanist priests from military duty? All such talk as that quoted from these bishops would make one laugh, were it not for the pathetic self-deception of "liberals" and Protestants, who are so ignorant as not to see the quibble and evasion in all this. Neither Father Ryan, nor Cardinal Gibbons, nor Archbishop Dowling, nor Archbishop Ireland, nor Bishop England as quoted, has contradicted Mr. Marshall's interpretation of the papal claim for supremacy in the "twilight zone." Not one has told us where the Roman Cath-



olic Church or Gov. Smith draw the jurisdictional line between the *mixed* temporal and spiritual, and the *purely* temporal. Without such a definition, all their "scurvy texts" are meaningless "oily words." Will Gov. Smith now come forward and enlighten us as to where *he* draws that line? *His* views may make a fair issue in the campaign. The Church's views are irrelevant, unless Gov. Smith continues his silent evasion.

XIV. Again: The letter of Gov. Smith contains this innocent sentence, on the authority of the Catholic Encyclopedia, but not quoting it: "These encyclicals are not articles of our faith." Then Gov. Smith continues: "The Syllabus of Pope Pius IX, which you quote on the possible conflict between Church and State, is declared by Cardinal Newman to have 'no dogmatic force.' " It may be quite true, according to Roman Catholic technicalities, that not *all* encyclicals can be properly called "articles of faith." It may also be improper to speak of the Syllabus of Pope Pius IX as having "dogmatic force." It does not follow that Gov. Smith is therefore conscience-free to treat all papal encyclicals, or the Syllabus of Pius IX, as mere childish prattle, or is free to ignore or contradict it as a heathenish fairy tale.

If not, then *what is* the authority of a papal encyclical, or the "force" of the Syllabus? We are not informed as to that. We are only told what labels we should not apply. It may be that we were expected to deceive ourselves into thinking that without these labels Romanists looked upon the Syllabus and encyclicals as mere piffle. Nothing in that Syllabus is specifically repudiated, contradicted, or qualified, by Gov. Smith, Father Duffy, or any other authorized spokesman of the Roman Catholic Church. That is perhaps significant!!

In this Syllabus, Pope Pius IX appears to be only summarizing or abstracting what has already been uttered by previous Popes. Some of it comes from earlier encyclical letters, but more of it was taken from "allocutions." So then, let us find out what authority an "encyclical" has, or what an "allocution" is, and just what "force" was acquired by their incorporation in the Syllabus of Pope Pius IX. Knowing that, then we need not care whether the "force" is called "dogmatic force" or called "pious piffle."

As to "encyclicals," the *Catholic Encyclopedia* informs us that this label "does not necessarily constitute it an *ex cathedra* pronouncement and invest it with infallible authority." It may or may not be "infallible authority," according to circumstances. Since all encyclicals do not speak with "infallible authority," I must believe that *some* of them are not "articles of our [Roman Catholic] faith." That is all Gov. Smith really says, and it is extremely unimportant and unenlightening. In our ignorance, non-Catholics might easily misinterpret his words as a complete denial of any influence of encyclicals upon any Roman Catholic conscience. As it stands, every encyclical, quoted or summarized in the Syllabus, *may* have been an "infallible authority" before it was used by Pope Pius IX. Nothing said or quoted in the letter signed by Gov. Smith, denies such infallibility to these particular items.

According to the *Catholic Encyclopedia*, an "allocution" is "delivered only in a secret consistory at which the cardinals alone are present." It is likened unto the commands of a general to his troops. "An allocution of the Pope often takes the place of a manifesto when a struggle between the Holy See and the secular powers has reached an acute stage. \* \* \* It likewise indicates what the Pope has already conceded and the *limit which principle obliges him to put to further concessions.* \* \* \* At these secret consistories \* \* \* he [the Pope] also discusses with the cardinals grave matters of State arising out of those *mixed affairs, partly religious, partly civil, in which conflict can easily arise between Church and State.* In such secret consistories the cardinals have a CONSULTATIVE vote. When the Pope has reached a conclusion on some important matter, he makes his mind known to the cardinals by means of a direct address, or allocution. \* \* \* These conclusions [of a consistory congregation of cardinals] may be accepted or rejected by the Pope as he thinks proper. \* \* \* Among papal allocutions of later times \* \* \* [are] those of Pius IX concerning the attacks on the Pope's temporal power." (Cath. Encyc., Vol. I, p. 325.) Thus it would seem that the encyclicals and previous allocutions that were used in the Syllabus of Pius IX, probably were already accepted as "infallible."

This now brings us to inquire about the "force" of the famous Syllabus of Pope Pius IX. Again I go to the Catholic Encyclopedia. There I find that the Syllabus was the final product of long thought, and the study of some papal commissions from 1849 until Dec. 8, 1864. References were appended to each separate paragraph of the Syllabus, "indicating its content, so as to determine the true meaning and the theological value of the subjects treated. \* \* \* The reception of the Syllabus among Catholics was assured through the love and obedience which the children of the Church bear toward the vicar of Christ on earth. \* \* \*

"No sooner had it made its appearance than it was solemnly received in national and provincial councils by the episcopate of the whole world. \* \* \*

"All [Catholic theologians] are of the opinion that many of the propositions are condemned if not in the Syllabus, then *certainly in other final decisions of the infallible teaching authority* of the [Roman Catholic] Church, for instance in the Encyclical '*Quanta Cura*.' There is no agreement, however, on the question whether each thesis condemned in the Syllabus, is infallibly false. \* \* \* Many theologians are of the opinion that to the Syllabus as such an infallible teaching authority is to be ascribed, whether due to an *ex-cathedra* decision by the Pope or to the subsequent acceptance by the [Roman Catholic] Church. Others question this. So long as Rome has not decided the question, everyone is free to follow the opinion he chooses." (Cath. Encyc., Vol. XIV, p. 368.) This seems to mean only that Romanists are free to ascribe its infallibility to either of several sources.

"Even should the condemnation of many propositions not possess that unchangeableness peculiar to 'infallible' decisions, nevertheless the *binding force* of the condemnation in regard to all the propositions is beyond doubt. For the Syllabus, as appears from the official communication of Cardinal Antonelli, is a decision given by the Pope speaking as universal teacher and judge to Catholics the world over. All Catholics, therefore, are bound to accept the Syllabus. *Exteriorly they may neither in word nor writing oppose its contents; they must also assent to it interiorly.*" (Cath. Encyc., Vol. XIV, pp. 368-369.) Here then we have a beautiful illustration of

Romanist high grade intellectuality. The Syllabus has no "dogmatic force," because Romanists may differ as to whether each thesis is to have infallibility ascribed to it on account of its separate parts having previously acquired infallibility or because being an *ex cathedra* decision by the Pope, or because of its subsequent acceptance by the universal Church. However, no faithful son of the Church may oppose its contents in writing, and all such must give an inner (subjective) assent to it. If all that is true, then, to my ignorant mind it makes no difference whether you call it "dogmatic force" or not; or whether it is called "an article of our faith" or not; for whatever it is called, it works as if it were infallible dogma.

This, then, is what Gov. Smith offers us to "demonstrate" that the true meaning of Mr. Marshall's quotations "is diametrically the opposite" to what Mr. Marshall suggested that these quotations meant. For very many "liberals" the Governor's demonstration demonstrated to their complete satisfaction. On the contrary, I have become convinced that Mr. Marshall's construction is in harmony with that of the Roman Catholic clerical mind. Perhaps that only proves my ignorance or my illiberality. Who can decide except the Pope?



## CHAPTER XIII.

### THE EXISTENCE, EXTENT, AND CONTROL OF THE "TWILIGHT ZONE."

So far we have only examined the evidence offered by the Governor, to disprove the conflict of jurisdiction between the claims of the Roman Catholic Church and those of the thorough secularists. We have found the Governor's evidence inadequate and irrelevant. This leaves the question open, for more direct proof. Before offering that, we need to be reminded that the Governor has broadened the issue by making his denial cover "religious principles" in general. Thus he makes Protestant theocrats feel toward him as being also the defender of their "heretical" faith. Our Governor says: "In the wildest dreams of your imagination you cannot conjure up a possible conflict between religious principle and political duty." In the zeal of his defensive necessity, this last quoted sentence is an irrelevant, gross overstatement, especially in that its negation includes every conceivable "religious principle," *unless* it is not admitted by the Governor that any Protestant church is really a depository of religion. Perhaps if the Governor and his advisers had defined the limits of religion, as they conceive such limits, we would not be so perplexed. To make more clear the existence and extent of this "twilight zone" of conflict between thorough secularism and theocracy, I will put some questions to various types of religionists, as imaginary candidates for political office. These questions will exhibit, in part, why thorough secularists often wish to know the attitude of pious politicians, toward those problems which the latter may consider a matter of "religious faith," but which thorough secularists consider a matter of purely human and secular politics.

These following questions will also help us to revalue the Governor's "righteous" indignation and martyrdom, in being questioned about the boundaries of his "religious faith." We will presently see to what absurd lengths we will be led, if all other religionists were

allowed in practice to assert the same inviolability for their respective consciences which is claimed for a Roman Catholic-trained conscience. Is there really an unwarranted intrusion, into the "spiritual" privacies of a political candidate's religious faith, in such questions as these following? If I ask a "Mormon" candidate if he would promote the legalization of his conscientious belief in a divinely approved polygamy? Or, whether he would promote the repeal of laws which now preclude aliens, who believe in polygamy, from entering the United States? Or, if I ask him if that which others call the "political" teachings of the Prophet, Seer, and Revelator of the "Mormon" Church is binding upon him as a part of his Mormon-trained conscience? Or, if I ask a "Bible Communist" if he would try to legalize his conscientious belief in obligatory sexual promiscuity? Or, if I ask an Episcopalian or Roman Catholic if he would make all polygamy, even tandem polygamy, or all divorce unlawful, merely because it is opposed to his or *his Church's interpretation* of the will of God? Or, if I ask a Catholic or Protestant Puritan if he would legalize his conscientious aversion to a healthy-minded sexual curiosity, by prohibiting the teaching of social hygiene in the public schools? Or, if I ask a Romanist if he would prevent legislation requiring a medical health certificate before issuance of a license to marry, or if he would prohibit scientific sexual books from being sold and mailed either to young or old? Or, if I ask a professional religious moralist if he would promote a "padlock" censorship of the theatres, such as we have in New York by Cardinal Hayes' help? Or, if I ask a Protestant if he favors legislation forcing any public school pupil, especially those from Catholic and Agnostic parents, to listen to the reading of the Protestant version of the Bible? Or, if I ask a Catholic if he similarly believes in forcing upon non-Catholic pupils, religious instruction by priests and nuns of his Church? Or, if I ask if he would promote or prevent teachers in public schools from wearing the distinctive garb of a religious order? Or, if I ask a Romanist if he opposes the supervision of parochial schools and nunneries by public authority? Or, if he would object to the legal suppression of such teachings as those quoted in Mr. Marshall's second letter? Or, if I ask a Protestant

Klu Kluxer if he would legally suppress such teachings, or suppress all parochial schools? Or, if I ask a Swedenborgian if he would prohibit any but his particular expurgated version of the Bible? Or, if he would shorten the hours in public schools for the sake of religious instruction in churches? Or, if I ask a Jew, Protestant, or Catholic if he favors the continuance of public appropriations for his particular denominational orphanages, which educate waifs in their respective religious cults? Or, if I ask any religious candidate if he believes in exempting religious schools and churches from taxation, while some Agnostic and Atheist propaganda remains penalized as blasphemy? Or, if he favors a division of public school monies with parochial schools according to the number of pupils? Or, if I ask any Christian if he favors public pay for chaplains in legislative halls, or in the police and fire departments, or in the army and navy? Or, if I ask an Agnostic if he favors the disfranchisement of the clergy, or the prohibition of religious instruction to persons who are too young or too morbid to understand or weigh theologic argument or evidence? Or, if I ask a Tolstoian religious non-resistant Anarchist if he would use public office to repeal the restrictions upon alien anarchists entering this country? Or, if I ask a Klu Kluxer if (as in Mexico) he would prohibit the activities of foreign born priests? Or unmarried priests? Or, if I ask a "Christian Communist" whether he would promote the legislative adoption of Marxian economic theories? Or, if I ask a "Quaker" whether in the event of war, he favored exemption from a military draft for religious conscientious objectors, but not for infidel conscientious objectors? Or, if I ask if Catholic priests or Protestant clergymen as such are to be exempted from military duties while those who devote their lives to Agnostic and Atheistic propaganda or that of a natural ethics are compelled to serve in the trenches? Or, if I ask whether or not priests are to be exempt from the jurisdictions of civil courts?

Of, if I ask a Christian Scientist candidate as to whether he favors repealing, strengthening, or enforcing the laws regulative of medical practice? Or, if he would, in our courts, abolish "the erring testimony of material sense?" Or, if he accepts the testimony of some Chris-

tian Scientists that children are begotten without a conjunction of the male and female? Or, if I ask any Christian whether he would extend the precedent of some States which make it impossible for Atheists or Agnostics to be witnesses in the State Courts? Or, if I ask if they would prohibit death-bed bequests to priests or churches?

Or, if I ask a Fundamentalist (Protestant or Catholic) whether he would prohibit the teaching of evolution, or compel the teaching of witchcraft? Or, if I ask a near so-called theomaniac (Protestant or Catholic) if he would penalize all Free Thought propaganda as Anthony Comstock threatened to do, or, prevent anti-Romanist propaganda from being mailed to Canada, as has been attempted, or mailed to our Roman Catholic fellow citizens? Or, if I ask whether he would permit or prevent the dissemination of birth-control information? Or, if I ask any Christian whether he believes that the clergy and their sacramental wine should enjoy a privilege denied under prohibition laws to all others? Or, if I ask a Sabbatarian enthusiast if he would uphold the Puritan Sabbath by penalizing Sunday newspapers, sports, moving pictures or other shows, public bathing resorts, open drug-stores, Sunday street cars, telegraphing, telephoning, or mail trains? Or if he favors the legislative endorsement of any religious festivals and holy days?

Or, if I ask a Roman Catholic what would be his attitude toward a law prohibiting the Church from excommunicating any of its members for taking a fellow Church member, or a priest, into the civil courts? Or, toward a law penalizing those who appeal to an ecclesiastical tribunal for a reversal of a judgment of the civil courts? Or, whether he would make it impossible for an unbeliever to testify in our courts? Or, whether he would prohibit the testimony of a Roman Catholic bishop from being given more credence than that of an unbeliever? Or, if I ask him what would be his attitude toward a law which would exempt the Roman Catholic clergy from prosecution for crime in the secular courts?

Or, if I ask any Christian what, if anything, is to be done about those courts which find a "lawful" excuse for taking children from their natural parents, unless such parents agree to send their children to Roman Catholic Sunday



schools? Or, who similarly take children from their natural parents because the parents have conscientious scruples against man-made law and its legalized marriage? Or, who take children from members of the Jehovahite Society of Denver, or the Elijah Voice Society (of Seattle), because the parents upheld the children in refusing to salute the flag in the public schools, claiming that to do so is a violation of the Biblical injunction against idolatry? Or, the public officials who in similar circumstances excluded the children from the public schools? Or, the school boards which expel a teacher who deemed such religious scruples about idolatry to be valid, and refused to dismiss such a pupil?

Is not each of these conscientious scruples just as "sacred and supreme" as a Roman Catholic conscience? If not, why not? Are any or all of such questions an unwarranted invasion of such candidates' private and purely "spiritual" relations with God? If so, then why are they so considered, and where is the line to be drawn?

May not each of these sects pray, with Gov. Smith, that never again will any candidate be challenged or a political issue made out of anything that any of these sects choose to call a matter of "religious faith"? Must we therefore refrain from asking such questions of candidates for office? Which of the "religious" (political) eccentricities of each of our one hundred and fifty or more sects in these United States are to be accorded the same degree of sacredness as that which Gov. Smith seems to claim for Roman Catholic social polity? Which are therefore to be excluded from the consideration of voters and political parties? Which of these are to be allowed to establish their religion quite secretly in the laws of the land, without question or hindrance? If all are put upon the same footing as that claimed by Gov. Smith for the Roman Catholic conscience, then there might not be much left upon which voters could construct a purely political creed. On the other hand, it may be that the Governor meant to say that it is only the social polity of the "one true Church" that we may not properly make a question for such discussion. Just what was the Governor's mental content for the words, "religious faith," when he thought of the impropriety of questioning public officials or candidates about their "religious faith"? Certainly

Mr. Marshall never asked even one question that was of a *purely* "spiritual" nature.

If any or all such candidates should dramatically offer "a fervent prayer that never again in this land will any public servant be challenged because of the faith in which he has tried to walk humbly with his God," would that be regarded as an adequate answer to the questions put? Or, would Gov. Smith then think of that as a strategic retreat, behind a smoke-screen of pious bunk? Are all such inquiries "theological questions" or problems of "religious faith," or of secret "pious" politics? If these sectarian "heretics" should, without indicating whether they did or did not favor such official courses, yet each proclaim: "I have never known any conflict between my conception of official duties and my religious belief"; would that be a sufficient answer to a request for information as to their official conduct in relation to borderland problems? Or, as to their respective conceptions of the dividing line between their religiously controlled conscience and their purely secular human judgments and activities? If such persons merely wrapped themselves in the American flag and in dramatic posture loudly reaffirmed generally their belief in a separation of Church and State, and in free speech, and in religious equality, would that really satisfy any intelligent voter as to what the candidate would do in relation to the particular political problem about which inquiry had been made? Would we not still ask: "In what sense do you use these words"? And: "Where do you draw the boundary line between the spiritual and the temporal? Or between religion and politics, or Church and State"? Has Gov. Smith done any more than resort to such evasion? May we not also ask him, in what sense did he use his very general words? What is the mental content symbolized by them and *for him*? We still wish to know just where is the dividing line between Gov. Smith's Roman Catholic-trained conscience, which he says "is the supreme law which under no circumstances can we ever lawfully disobey," and those *purely* secular political interests which are *beyond* the influence of HIS Roman Catholic-trained conscience?

If we are to refrain from questioning Roman Catholics as to the limits of religio-political faith, then we

should equally refrain from asking similar questions concerning the social polity of all other of our one hundred and fifty sects. If we believe in the equality of all humans, as well as all religionists, then perhaps we should also refrain from asking Atheistic and Agnostic candidates what they would do about legislation that is being demanded by others and apparently from religious motives. If once we enter upon these conscientious taboos, there will soon be nothing about which we may legitimately interrogate a religious candidate. All of this also gives us some hint as to how extensive is the "twilight zone" of conflict, and how important it is that we learn to do a little more of exact thinking about it.

Further on we shall call attention to specific political claims disapproved by Pope Pius IX, which all thorough secularists would approve. This will further illustrate the extent of the conflict. All this is of immediate importance in a presidential campaign, because now all these questions are problems of construing the First Amendment to the U. S. Constitution. (*Gitlow v. Peop. of N. Y.*, 268 U. S. 562.) Will President Smith appoint as U. S. judges men of theocratic or secularistic predispositions to interpret our Constitution?

So far we have shown the irreconcilable conflict between a theocrat's and a thorough secularist's claims as to the respective jurisdictions of Church and State. Obviously now, Gov. Smith's denial of the conflict must have been without adequate knowledge. The necessary existence of that conflict is obviously due to the existence of widely varying conceptions of the scope and nature of religious and of secular activities. We have also had some hint of the numerous concrete problems that actually confront us, through the many eccentricities of our numerous sects. Next we will call some Roman Catholic witnesses, who perhaps possessed more intelligence about Roman Catholic claims than did *some* of Gov. Smith's advisers.

In an article from which Gov. Smith quoted a different passage, Cardinal Gibbons asks and answers, as follows: "But is there not a twilight zone over which both Church and State put forth claims? True," says Cardinal Gibbons. (*North American Review*, Mch., 1909, p. 334.) That conflict is illustrated by the papal condemnation of

many propositions which every thorough secularist upholds. It has already been shown that the following condemnations contained in the Syllabus of Pope Pius IX cannot be contradicted (at least without priestly permission).

Here now are several propositions, each of which has been condemned by Pope Pius IX on Dec. 8, 1864. Probably all thorough secularists would approve each of these propositions, which the Pope condemns. Many will be interested to know if Gov. Smith agrees with these propositions, or with the Pope's condemnation of them.

"9. All dogmas of the Christian religion without distinction are the object-matter of natural or philosophical science." Condemned as error.

"15. It is left to the freedom of each individual to embrace and profess that religion which, by the guidance of the light of reason, he deems to be the true one." Condemned as error.

"19. \* \* \* It is the business of the civil authority to determine what are the rights of the Church and the limits within which it may exercise those rights." Condemned as error.

"20. Ecclesiastical authority should not exercise its power without the permission and consent of the civil government." Condemned as error.

"25. The Roman Pontiffs and the Ecumenical Councils have [in the days of their past power] transgressed the limits of their power, arrogated to themselves the rights of secular princes, and even erred in defining matters of faith and morals." Condemned as error.

"24. The [Roman Catholic] Church has no power to use force; neither has it any temporal power, either direct or indirect." Condemned as error.

"25. Besides the authority *inherent in the Episcopate*, it has another accessory temporal authority, either expressly or tacitly granted by the civil power, and therefore revocable at pleasure, by the same civil power." Condemned as error.

"26. The Church [like any other corporation] has not the *natural and legal* right to acquire and possess property." Condemned as error.

"27. The sacred ministers of the [Roman Catholic] Church and *the Roman Pontiff* should be altogether de-



barred from all administration and all domain of temporal goods." Condemned as error.

"30. The immunity of the [Roman Catholic] Church and of ecclesiastical persons, had its origin in civil law." Condemned as error.

"31. That personal immunity by which clerics are exempted from the obligation of military service and exercise, may be abolished without any violation of natural right and equity; social progress also demands the abrogation of such immunity, particularly in a society organized under a free form of government." Condemned as error.

"33. It does not belong exclusively to the ecclesiastical power of jurisdiction by proper and natural right to control the teachings of theological science." (Connect this with par. 9 above.) Condemned as error.

"39. The civil State, being the source and fountain of all rights, possesses a right which knows no limits." [I would add: except those self imposed and humanly imposed, as in our written constitutions.] Condemned as error.

"42. In case of conflict between the laws of both powers [ecclesiastical and civil] the civil law predominates." Condemned as error.

"43. The civil power has the authority of rescinding, declaring and rendering invalid, the solemn agreements (ordinarily called concordats) made with the Holy See, concerning the use of rights appertaining to ecclesiastical immunity, without the consent and even against the protest of the Church." Condemned as error.

"44. Civil authority may interfere in the thing [which the Roman Catholic Church considers as] appertaining to religion, to morals and to spiritual government." Condemned as error.

"45. THE ENTIRE CONTROL OF PUBLIC SCHOOLS IN WHICH THE YOUTH OF A CHRISTIAN STATE IS EDUCATED, DIOCESAN SEMINARIES TO A CERTAIN EXTENT EXCEPTED, CAN AND MUST BE ATTRIBUTED TO THE CIVIL AUTHORITY; AND THAT IN SUCH A MANNER THAT NO OTHER AUTHORITY HAS THE RIGHT TO INTERFERE IN THE DISCIPLINE OF THE SCHOOLS, THE DIRECTION OF THE STUDIES, THE CONFERRING OF DEGREES, OR THE CHOICE AND APPROBATION OF THE TEACHERS." Condemned as error.

"47. The most perfect state of civil society requires that the common schools, which are open to the children of all classes \* \* \* should be exempted from all authority, direction, and interference of the Church, and be subjected to the absolute power of civil authority, at the discretion of the rulers of the State and according to the standard of prevailing public opinion." Condemned as error.

"48. CATHOLIC MEN MAY APPROVE THAT SYSTEM OF EDUCATION OF YOUTH WHICH IS DIVORCED FROM [ROMAN] CATHOLIC FAITH AND THE POWER OF THE CHURCH, AND WHICH REGARDS ONLY, OR AT LEAST CHIEFLY, NATURAL SCIENCES AND THE DOMAIN OF SOCIAL LIFE ON EARTH." Condemned as error.

"52. *Civil authority can of its own power change the age prescribed by the Church for the religious profession of women as well as of men, and enjoin on all religious orders not to admit any one to solemn vows without its permission.*" Condemned as error.

"53. Those laws are to be abolished which appertain to the protection of the religious state, and of the rights and duties of religious orders; nay, *civil government may lend its aid to all those who wish to abandon the religious life once embraced, and to break the solemn vows; it may likewise altogether suppress such religious orders, as well as collegiate churches, and simple benefices, and the rights of patronage and reduce and maintain their temporalities—and revenues, under the administration and free disposal of civil authority.*" Condemned as error.

"54. *Kings and Princes are not only exempt from the jurisdiction of the Church, but they also take precedence of the Church in deciding questions regarding jurisdiction.*" Condemned as error.

"55. The Church is to be separated from the State, and the State from the Church." Condemned as error.

"56. *The laws of morals need no divine sanction; nor is it by any means necessary that human law should be conformable to the natural law, or should take its binding force from God.*" Condemned as error.

"57. The science of philosophy and of morals, and in like manner the civil laws, may and must deviate from Divine and ecclesiastical authority." Condemned as error.

"59. *Right* consists in a material fact; and all human duties are an empty name, and *all human facts have the force of right.*" Condemned as error.

"60. Authority is nothing else than numbers, and the result of material forces." Condemned as error.

"62. The so-called principle of *non-intervention* is to be proclaimed and acted upon." Condemned as error.

"67. *The marriage tie is not indissoluble by natural law; and in various cases a divorce, properly so-called, may be sanctioned by civil authority.*" Condemned as error.

"73. A true marriage can exist between Christians in virtue of a merely civil contract; and it is false, either that the contract of marriage between Christians is always a sacrament, or that there is no contract if the sacrament is excluded." Condemned as error.

"74. *Matrimonial cases and espousals, of their very nature, belong to the civil tribunal.*" Condemned as error.

"75. The compatibility of the temporal with the spiritual power is an open question among the children of the Christian and Catholic Church." Condemned as error.

"76. The abolition of the civil power possessed by the Apostolic See would be most conducive to the liberty and felicity of the Church." Condemned as error.

"77. In this our age it is no longer expedient that the Catholic religion should be the only religion of the State, to the exclusion of all other forms of worship." Condemned as error.

"78. Hence it has been laudably sanctioned by law in some parts of the Catholic world, that immigrants be allowed the public practice of any form of worship whatever." Condemned as error.

"79. For it is false that the civil freedom of every kind of worship and likewise the full power granted to all of openly and publicly expressing all kinds of opinions and ideas, more easily leads to the corruption of the morals and minds of the people, and to the spread of the pest of indifferentism." Condemned as error.

"80. The Roman Pontiff may and ought to reconcile and adapt himself to progress, liberalism, and modern civilization." Condemned as error.

(From Handbook of the Christian Religion, by Rev. W. Wilmers, S. J. Edited by Rev. James Conway, S. J. Pub. by Benziger Brothers, Printers to the Holy Apostolic See; with the *Imprimatur* of Michael Augustine, Archbishop of New York, and Patrick Hayes, Archbishop of New York, 1921.)

Every one of the above propositions is condemned by the Pope. The importance of this condemnation will have some attention later. Every one of them would probably be approved by every thorough-going secularist. There is the "twilight zone" in general terms. The issue is made more concrete where we review the conflict historically. The acceptance or rejection of each of these propositions is an important index for determining whether one has a theocratic or a secularistic attitude toward government, and the interpretation of our constitutions. Many millions wish to know if Gov. Smith has the kind of conscience which will permanently prevent him from squarely facing these issues. If his conscience does not play tricks upon him or others, he will have the courage to tell us frankly whether he agrees with the Pope in condemning the above propositions, or agrees with the secularists in upholding the condemned propositions quoted above. In the absence of such plain avowal or disavowal by Gov. Smith, all other fine phrases about a mutual and friendly co-operation between Church and State will be treated by many as pious bunk, now uttered with a conscious desire to promote theocratic power, by fraud. When a theocratic lion and a secular lamb begin to co-operate for unity, it is desirable to know what is meant by co-operation and unity. When the unity has been perfected, would the secular lamb be inside the theocratic lion? Or the lion inside the lamb?

We have already shown that our constitutions can be so interpreted as to accomplish an effective and complete theocracy without the specific acknowledgment thereof. Therefore it becomes necessary to inquire in what sense Gov. Smith uses his words. Does Gov. Smith use the words of his reply to Mr. Marshall in such a sense, that his own meaning and mental content is in complete harmony with the obvious meaning and mental content of the Pope? This is important and relevant to what millions consider a purely secular and political issue,



which arises from Gov. Smith's supposed acceptance of the Pope as an infallible guide in all issues of the jurisdiction or scope of Roman Catholic faith and morals. Some writers quibble by saying that the State "is not and cannot be *directly* subject to the Church." That also looks to secularists like a fraudulent diversion. What they wish to know is whether any Church's control over the State's function will be promoted or enlarged by any particular candidate. If so, it is wholly immaterial whether it is called "direct" or "indirect" control.

#### TWILIGHT ZONE COVERS ALL.

Now we will make further answer to Gov. Smith's question: "What is this conflict about which you talk?" One wonders why Father Duffy did not enlighten him. So far we have made it plain, by obviously correct Romanist admissions, that there is a large area of conflict between the jurisdictional claims of the Pope and the Roman Catholic Church on the one hand, and contrary claims often put forth by more or less thorough secularists. When we realize that the papal claim of inerrancy as to morals includes among other things, all of education, problems of sex, and of political and economic justice, then it becomes apparent that there is practically nothing in the functions of the civil State which is *purely* temporal and therefore free from the Pope's claim of jurisdiction over "spiritual" matters. This merely logical inference, drawn from the very general language of Romanist authorities, is also supported by their more specific admissions, notwithstanding the frequent effort to belittle the importance of the conflict. What is the scope of the papal infallibility as to "morals"?

Under the head of "Moral Theology" in the Catholic Encyclopedia, we find this: "MORAL THEOLOGY INCLUDES EVERYTHING RELATING TO MAN'S FREE ACTIONS *and* the last, or supreme, end to be attained through them, as far as we know the same by Divine Revelation; in other words, it includes the supernatural end, the rule or norm, of the moral order, human actions as such, their harmony or disharmony with the laws of the moral order, their consequences, the Divine aids for their right performance." (Vol. XIV, p. 601.)

A little beyond the last quotation, and still discussing

“moral theology,” we find this: “*Economics, politics, social science* are separate fields of science, not subdivisions of moral science. *Nevertheless, these special sciences must also be guided by morals, and must subordinate their specific principles to those of moral theology, at least so far as not to clash with the latter.*” (p. 602.)

Again the Catholic Encyclopedia affirms: “*It may be said with truth that the greater part of a nation’s legislation affects its morality in some way or other.* \* \* \* It is thus evident how necessary it is that in all such questions the [Roman Catholic] Church should in every country have a definitely formed opinion and should make her voice heard.” (Vol. X, p. 560.)

I must not leave this subject without quoting Father Ryan, who, according to Gov. Smith, voices the best Roman Catholic thought on such subjects. Father Ryan says: “It is true that the actions of the State, whether in the field of *legislation or administration, have moral aspects, inasmuch as they are human actions; therefore they are in some manner subject to the [Roman Catholic] Church, as the interpreter of the moral law.* \* \* \* The [Roman Catholic] Church, as the guardian and authoritative interpreter of the moral law, has as much right to pronounce upon the morality of political actions and relations as upon the morality of the actions and relations of private societies and individuals.” (The State and the Church, pp. 42 and 46. See also pp. 238-9, 273, 284-9.) GOV. SMITH HAS NOT YET REPUDIATED THE POPE’S SUPREMACY OVER HIS CONSCIENCE IN ANY OF THESE MATTERS OF POLITICAL MORALS.

I have seen Pope Pius X quoted as having uttered, in full consistory, the following words: “It is our strict *duty* to direct all men *without exception* according to the rules and standards of morality, in private life *and in public life*, in the social order and in the POLITICAL order; and thus to direct not only the governed *but rulers as well.*” Quoted in the *Civiltà Cattolica*, Oct. 6, 1906. (See: Letters to His Holiness, Pope Pius X.)

It must now be obvious that, from the Roman Catholic standpoint, every important factor of social life has a “spiritual” component, and therefore comes within the “twilight zone” where a supreme jurisdiction is claimed

by the Pope as a matter of Divine right. GOV. SMITH HAS REMAINED WHOLLY SILENT UPON THE SUPREMACY OF THE POPE IN THIS ALL-INCLUSIVE "TWILIGHT ZONE" OF CONFLICTING CLAIMS OF JURISDICTION. Of course, there are many matters of such minor importance that they may not be made a public issue by any discreet ecclesiast. However, the issue of the Pope's supremacy is always immanent in every enactment of social legislation. Those opinions, last above quoted, may or may not be properly called "infallible" interpretations of "infallible" doctrine. However probable or logically related they may appear to be, Gov. Smith should not be absolutely concluded, by such ecclesiastical views, from asserting his disagreement with them. But since he affirms his great devotion to the Roman Catholic conception of religion, and believes that the Pope is infallible in all matters of faith and morals, the foregoing quotations create a tentative presumption that he also holds those opinions. His evasion of the issue of supremacy in the "twilight zone" confirms that presumption. Now if Gov. Smith does not believe that the Pope's "infallibility" as to "*moral theology includes everything relating to man's free action*"; and if he does not believe that "*economics, politics, social science \* \* \* must subordinate their specific principles to those of moral theology*," then if he also does not wish the voters to be misled, he will give us an exact definition of the jurisdictional limits of his religion and its "moral theology" as *he* conceives those limits.

HIS CONTINUED FAILURE TO MEET THIS ISSUE NECESSARILY CARRIES THE IMPLICATION THAT HE IS WILLING TO BECOME PRESIDENT AND PROMOTE A ROMAN CATHOLIC THEOCRACY BY MEANS OF "SELF-DECEIVED" VOTERS.

#### CONTROL WITHIN THE "TWILIGHT ZONE."

Having established by the admission of Roman Catholic authorities, that there is a "twilight zone" of legislation over which the Pope and secularists make conflicting claims; and having likewise shown that it covers *at least* "the greater part of a nation's legislation," it now remains to show the Papal claim of supremacy over this vast "twilight zone."

In the Syllabus of Pope Pius IX, Dec., 1864, he con-

demns as error this claim of supremacy in secular rulers: "54. Kings and Princes are not only exempt from jurisdiction of the Church, but they also take precedence of the Church in deciding questions regarding jurisdiction." That doctrine is condemned by the Pope. (Handbook of the Christian Religion, p. 505.) If now we may substitute "democratic government" for "Kings and Princes," then we may state the effect of the above condemnation in positive terms, as follows: "No government, democratic or otherwise, can take precedence of the Roman Catholic Church in deciding questions regarding its own jurisdiction."

The Catholic Encyclopedia has this to say about that which Cardinal Gibbons calls the "twilight zone": "In a case where there is no direct contradiction, but a possibility of both jurisdictions being exercised without hurt *to the higher* [that of the Roman Catholic Church], though neither jurisdiction is voided, \* \* \* practically there is a clear opening for some adjustment between the two, since both jurisdictions are interested in avoiding friction. \* \* \* Consistently with the superiority of essential purpose indicated above, *the judicial decision as to when a question does or does not involve spiritual matters, either purely or in part, rests with the [Roman Catholic] Church.* It cannot lie with the State, whose jurisdiction, because of the inferiority of its ultimate end and proximate purpose, has not such judicial faculty, in regard to the [spiritual component of the] subject matter of a jurisdiction which is so far above its own as the ultimate end and proximate purpose thereof [that is, of the Roman Catholic Church] is above that of the State. In analogous fashion every higher court is always judge of its own jurisdiction as against a lower." (Cath. Encey., Vol. XIV, pp. 251-2.)

In still another place in the Catholic Encyclopedia, the same thought is repeated in these words, namely: "In all subject-matter not *purely* spiritual nor purely temporal \* \* \* in character, both jurisdictions may enter, and so entering give occasion to collision, for which there must be a principle of solution. In case of direct contradiction, making it impossible for both jurisdictions to be exercised, the jurisdiction of the [Roman Catholic] Church prevails, and that of the State is excluded. The



reason of this is obvious: both authorities [the State and Roman Catholic Church] come from God in fulfillment of his purposes in the life of man, \* \* \* the ultimate end of the Church. In view of this end God concedes to her [the Roman Catholic Church] the only authority that can exist in the case in point." (Vol. 14, p. 251.)

The last quotation but follows Pope Pius IX, who denounced the following as being error: "In case of conflict between the laws of the two powers [the Roman Catholic Church and the civil State] the civil law predominates." (Handbook of the Christian Religion, p. 504.) That perfectly good secularist doctrine, thus condemned as error by Pope Pius IX, follows as a logical consequence from the doctrine that the Church and the State both originate with God. Upon this head Mr. Marshall quoted also from Pope Leo XIII (1885), as follows: "The Almighty has appointed the charge of the human race between two powers, the ecclesiastical and civil, the one being set over divine, and the other over human things." Also: "Over the mighty multitude [of mankind] God has set rulers with power to govern, and He has willed that one of them [the Pope?] should be the head of all." Also: "We [the Popes] who hold upon earth the place of God Almighty." Elsewhere, I find Pope Leo quoted as follows: "'The authority of the [Roman Catholic] Church is the most exalted of all authority; nor can it be looked upon as inferior to the civil power, or in any manner dependent upon it.' Leo, *Immortale Dei*, 1885." Again: "'The [Roman Catholic] Church and the civil power should each be supreme in its own sphere, with this proviso, that there be agreement between them, and that *on matters of common interest the secular power happily and becomingly depend on the heavenly.*' Leo, *Sapientiae*, 1890."

These teachings include the whole of the theory of every theocracy, however much of variation we find in the details of their execution or of their theoretic formulation. It is just these claims which all secularists repudiate and fear. The words already quoted above are a little sugar-coated, but mean nothing essentially different than the more blunt avowal of earlier centuries.

"Pope [1294-1303] Boniface VIII, under whom the world's revolt against Papal despotism began to take

definite steps, gives us another instance of the Papal tradition concerning the respective rights of Church and State. He says in regard to the Election of Ladislas as King of Hungary: 'The Roman Pontiff, constituted by God above kings and kingdoms, is the supreme hierarch of the Church militant, and has obtained principality over all mortal men.' \* \* \* This Boniface in his celebrated Bull, *Unam Sanctam*, develops the classic idea of the two swords. According to this conception, God has ordained two principalities on earth, typified by the secular sword and the spiritual sword—that is, kingship and papacy. But of these two swords the lower is in subordination to the higher. King is under Pope, and the secular sword must be wielded for the [Roman Catholic] Church's progress whenever the Roman Pontiff invokes it. The Bull contains the following definition: 'We declare, define, establish and decree that every creature, under the rigid necessity of saving his soul, must be subject to the Roman Pontiff.' \* \* \* In his '*Ansculta Fili*' Boniface takes to ask King Phillippe le Bel of France in a manner which discloses plainly that Boniface considered himself as the sovereign of the French." (Letters to His Holiness Pope Pius X, p. 142.)

Always I like to come back to Father Ryan, since Gov. Smith himself assures us that this eminent Professor of Moral Theology in the Catholic University of America, voices the best Roman Catholic thought on some of these subjects. Father Ryan says: "Great and good as is America, it must not arrogate to itself the realm of the Almighty God, that of faith and morals." Likewise it must not arrogate to itself the realm of the Pope, who is the "infallible" interpreter of God's will as to faith and all inclusive "morals." (p. 289.) Again: "Whether a particular act of the State is contrary to the moral law, is a question which obviously must be decided by some other authority or tribunal than the State itself, since the State has no competence in the field of morals." (p. 43.)

Again: "Let us consider one or two modern instances. Suppose that the people of Russia [or the U. S. A.] were suddenly converted to the faith of the Roman Catholic Church, and that they appealed to the Pope for an authoritative judgment as to whether they were obliged

to support the government of Lenine or Trotzky [or the U. S. A.]. Obviously this is a moral, not a legal question. A great number of the world's newspapers, publicists and politicians would give a negative answer, and their reasons would necessarily be stated in terms of ethics. Their moral standards would be in most cases provided by their private judgment, by the dictates, let us say, of their own consciences. We will suppose that the Russians [or Americans] place more confidence in the authoritative moral judgment of the Catholic Church than in that of journalists or politicians. After due consideration of all the facts [a process frequently disregarded by journalists and politicians] the Pope decides that the people of Russia [or of the U. S. A.] are under no moral obligation to continue their support of the Communist [or American] *régime*. In consequence of the acceptance of this decision by the Russian [or American] people, the government is unable to continue. In effect the Pope has deposed Lenine and Trotsky [and the Congress of the U. S. A.].

"Many contemporary persons who would loudly applaud this action of the Pope [so far as Russia is concerned], because they like the result to which it leads, are prone to dénoncé the deposing power of the Pope, as exercised in the past ages, and to resent any similar exercise of the indirect power of the [Roman Catholic] Church in any other department of civil affairs [as in the U. S. A.]. Yet all such actions exemplify the same principle; namely, that the Church, as the guardian and authoritative interpreter of the moral law, has as much right to pronounce upon the morality of political actions and relations as upon the morality of the actions and relations of private societies and individuals [whether in Russia or in the U. S. A.]." (pp. 45-6.)

Further on Father Ryan approved this from Professor Laski: "We deny the validity of any sovereign power save that of right." Upon this Father Ryan comments as follows: "And 'the discovery of right' is for the [Roman] Catholic citizen achieved in the authoritative decisions of the [Roman Catholic] Church. That is the whole of the situation considered practically. If a moral decision of the [Roman Catholic] Church which is adverse to a Government, or a law, is accepted by a sufficiently

large [Roman Catholic] section of the citizens, the State will find itself in difficulty." (p. 47 of: *The State and the Church*.) Certainly! But IN THAT EVENT UPON WHOSE SIDE WILL PRESIDENT ALFRED E. SMITH EXERT HIS INFLUENCE?

Of course it is quite possible to believe all these doctrines, quoted from Roman Catholic authorities, and still affirm adherence to our constitutions. This is so whenever it is considered allowable to interpret our constitutions by the subjective method. It is therefore best to discuss the issue as one of differences of constitutional construction, rather than of patriotism or loyalty. In one place the letter signed by Gov. Smith said: "The essence of my faith is built upon the Commandments of God. The law of the land is built upon the Commandments of God. *There can be no conflict.*" That statement also embodies the essentials of every theocracy. If we combine that admission with the other, that for Gov. Smith the Pope is an infallible guide as to faith and morals (morals including education and justice), then we have what amounts to a plea of "guilty" to Mr. Marshall's imputation, namely, that Gov. Smith, notwithstanding his present acceptance of our Constitution, in all conscience must use his office to promote papal dominance in the "twilight zone" of conflicting claims of jurisdiction. Perhaps Gov. Smith did not read this last quoted statement very carefully before signing it. If after a critical reading he would still stick to that, then some will be tempted to place him with those theocrats who can admit but very few if any *purely* secular activities. Again we must regret it that Gov. Smith ignored Mr. Marshall's question about dominance in the "twilight zone."

MILLIONS OF NON-CATHOLIC VOTERS WOULD LIKE GOV. SMITH TO ANSWER THIS SPECIFIC QUESTION: IF YOU (GOV. SMITH), AS A FUTURE PRESIDENT OF THESE UNITED STATES, ARE CONFRONTED WITH CONFLICTING CLAIMS OF JURISDICTION, WHEREIN THE POPE AND THE ROMAN CATHOLIC CHURCH UNDER A THEOCRATIC "INTERPRETATION" OF OUR CONSTITUTION ARE ON THE ONE SIDE, AND A CONTRARY IRRECONCILABLE CLAIM, UNDER A THOROUGH SECULARISTIC INTERPRETATION OF OUR CONSTITUTION, IS MADE UPON THE OTHER SIDE, THEN WHICH OF THESE CLAIMS WILL YOU UPHOLD?



## CHAPTER XIV

### CONCERNING GOV. SMITH AND CONSCIENCE.

In his answer to the open letter of Mr. Charles Marshall, Gov. Smith, after denying the existence of a conflict between Church and State, answers as follows: "If you can conjure up such a conflict, how would a Protestant resolve it? Obviously by the dictates of his conscience. That is exactly what a [Roman] Catholic would do."

A very important "liberal" publicist has considered the importance of Gov. Smith's continuing devotion to his Roman Catholic, parochially-trained conscience and the above quotations. Strangely enough, he characterizes these statements as "a radical assertion." He also explains its meaning as being "that for American Catholics there is absolutely no distinction between their attitude and the attitude of Protestants." This unusual man was so hypnotized by the jingle of words that he could not even contemplate the possible difference between a Romanist's conscientious devotion to a papal theocracy and some Protestant's equally conscientious devotion to a thoroughly secularized democracy. Again this same author says: "Never has the distinction between the Catholicism of twentieth century Americanism and the Catholicism of the Middle Ages been stated with such unqualified clearness." That such naive "liberal" sentimentalism, over the mere word "conscience," could flow from a publicist of such education and importance, seems to my unromantic mind to be almost pathetic. At any rate, it seems to justify this preachment on conscience, without much hope of stopping the tide of liberal sentimentalism.

A Protestant, educated to the use of more mature (scientific) intellectual methods, would not refer his political problems to his conscience. If our more intelligent liberal publicists have nothing better than a parochial conscience with which to arbitrate between conscientious conflicts, then we are indeed in an unfortunate condition. To some of us it seems pitiful that leaders of thought

should deem all consciences of equal social value, or equally reliable guides to conduct, or as having the same content, or as implying the same degree of intelligence and of mental health. And yet all this is implied in the statements quoted above, about the identity of the conscience of Gov. Smith and of Protestants.

To some few it seems obvious, that one may have a conscience which is theocratically predisposed, and another have a conscience which is dominated by a thorough secularism. More healthy-minded persons do not connect conscience with political problems. If well educated, they seek to use the scientific method instead of "conscience." What many would really like to know is this: What is the mental content of Gov. Smith's conscience as to making the Roman Catholic conception of the laws of God control his political action, as to what should be the laws of the State? This information becomes especially desirable, because of the importance which Roman Catholics attach to those immature, unconscious mental processes, which are glorified as "conscience."

In the letter signed by Gov. Smith, he approves this sentiment, quoted from Cardinal Gibbons: "With Catholics conscience is the supreme law which under no circumstances can we ever lawfully disobey." Perhaps Gov. Smith will be surprised to learn that for some persons, it is this very supreme sacredness which others find it necessary to attach to such unconsciously determined psychologic imperatives as are commonly called "conscience," that causes alarm. It is just such pathologically valued "consciences" which can tolerate no compromise, and that have always been used to justify every religious war and persecution. The very intensity of one's devotion to "conscience," instead of devotion to objective realities and the scientific method, often makes such "conscientious" persons a menace to their more healthy-minded and more intelligent neighbors. It therefore becomes *very* desirable that we shall know as much as possible of the mental content of Gov. Smith's Roman Catholic-trained, inviolable conscience. How will it impel him to *define* the scope of his religion? How will his conscientious devotion to the Roman Catholic conception of religion compel him to *construe* our constitutional guarantees of liberty, and the outer boundaries of the *purely*

secular jurisdiction of the State? Is his conscience still functioning on the childhood, parochial school level, with its very general *emotional* dependence upon a big, infallible, idealized, living surrogate for a Father-God? Or has his parochial conscience lost its potency by having matured to a more independent, objectively-thinking machine, which has corrected the childish emotionalism, even upon the subject of the "spiritual"? Or of dogmatic morals? Or concerning Roman Catholic social polity? Has Gov. Smith any conscientious scruples against disclosing his conception of the jurisdictional boundary line, which his Roman Catholic-trained conscience draws between the so-called "spiritual" jurisdiction of his Church and the conflicting claims of jurisdiction often made by the purely human and secular functionaries of the State? If we really knew what is the mental content which is, for the Governor symbolized by the word "conscience," then we might know what he would do about many legislative and executive problems, which millions believe should be treated as a matter of *purely* secular politics.

#### VARIETIES OF CONSCIENCE.

The Governor and some of his liberal admirers seem to ignore the fact that the mental contents symbolized by the word "conscience" differ, not only in their psychologic maturity and in the kind of conduct which is commanded, but also in the various degrees of morbid *intensity*, with which it impels different individuals, even toward quite similar conduct. Many persons exhibit their mental sickness by the very *intensity* and *extent* of their conscientious urges and scruples. The morbidity is more easily discovered by laymen, when it induces the pursuit of unconventional ends, instead of the conventional ones. All this only means that our consciences show different degrees of psychologic immaturity, of mental sickness and of ignorance. Often the condition of mental disease is a conflict between a very sick conscience and the remains of a relatively healthy impulse. The most bitter and cruel persecutions have usually had the support of the persecutor's intensely religious (very sick) conscience. Usually, such conscientious persecutions and conscientious religious wars have been defended also in the name of

“liberty”—liberty for the orthodox “conscience” to express itself, regardless of the suffering thereby imposed upon others; liberty for the development of one’s “immortal soul,” as more important than somebody else’s mortal body; even as more important than a constitutionally guaranteed intellectual liberty for heretical propaganda when directed toward Roman Catholics. Tyranny succeeds best and works behind the artful use of the verbal masks of freedom and of conscience.

What does all of Gov. Smith’s glorification of a Roman Catholic-trained, inviolable conscience mean? What is its mental content? Does it mean that his conscience is *so morbidly* imperative, and therefore *so very* sacred and supreme, that when clothed with official power to impose it he will not compromise it, by allowing an equal play to the contrary and conflicting claims of a differently trained conscience? How and where would he draw the line, beyond which his “conscience” cannot compromise? Gov. Smith’s words seem almost to imply that he can make no compromise at all, without the fear of losing his “immortal soul.” When it comes to officially interpreting the constitutional guarantees, must he read a rigid, sacred, Roman Catholic-trained, conscientious, theocratic predisposition into our fundamental law? Even as to the boundary line which will control his conception of the scope of *purely* secular law? Or, is his conscience sufficiently elastic, sufficiently free from religious or supernatural valuations, and sufficiently free from morbidly intense compulsions, so that he could dispassionately consider the historic issues which the constitutional guarantees were designed to decide? Would he check and correct his Roman Catholic-trained conscientious scruples, by subordinating them to an induction from such objective historic data? His declaration, quoted above, suggests that he might not be able to subordinate some of his unconsciously determined impulses (carrying the glorified label of “conscience”) to the more objective and scientific method. But again, maybe he did not mean this just as Cardinal Gibbons meant it. Maybe his own unconscious mentation is not held quite so sacred as Father Duffy would like it to be. Some of us would be pleased to know if, after more careful reflection, the Governor still believes that his Roman Catholic-



trained emotional associations, which constitute his unconscious mental processes and are the determinants of his "conscience," are more sacred than his more conscious and more objective intellectual methods? I wonder if he knows the difference. This is especially important when it comes to construing the Constitution, into harmony with whatever may be the Governor's definition of religion. I still assume that some day Gov. Smith will consent to define for us the jurisdictional boundaries of his religion.

#### ON KNOWING THE CONTENT OF CONSCIENCE.

"Under our system of government," says the letter signed by Gov. Smith, "the electorate entrusts to its officers of every faith the solemn duty of action according to the dictates of conscience." It is just this inevitability which makes it very desirable that the voters have advance information, as to just what kind of a conscience is in control of a boastfully religious candidate. This is especially important in relation to the line that he conceives as dividing the religious from the *purely* secular activities. How will any particular religiously-trained conscience define the limits of religion? And how will it therefore predispose such a person to interpret our laws and constitutional guarantees, in relation to toleration, freedom of speech and press, and to the separation of Church and State? What is Gov. Smith's mental content in relation to these problems of the conscientious definition of the jurisdiction of his religion and his related construction of the U. S. Constitution? Gov. Smith may call this a "theological question" about which a candidate suspected of theocratic leanings should not be questioned. All the more thorough secularists will insist that when a Roman Catholic-trained conscience is suspected of influencing a politician's activities toward a theocratic interpretation of the Constitution and the statutes, that then such mental content is a legitimate subject for political inquiry, in order that we may know whether to place Gov. Smith among the theocrats or secularists; among those who in our laws will enlarge or minimize the influence of what is generally supposed to be the Roman Catholic conception of the sphere of religion in the field of education and legislation. All this

can be answered if Gov. Smith will tell us where the influence of his Roman Catholic-trained conscience ends and his *purely* human and exclusively secular thinking begins.

### A WELL TRAINED CONSCIENCE.

Gov. Smith says: "I probably know as many ecclesiasts of my Church as any other layman. During my long and active public career I never received from any of them anything except co-operation and encouragement in the full and complete discharge of my duty to the State." That only tends to show that his well-trained parochial conscience still functions, probably unchanged. Had Gov. Smith ever exhibited an "erroneous conscience" such as would lead him to promote the more thorough secularization of the State, the clerical co-operation might not have been so perfect. Has any Roman Catholic ecclesiast ever helped to secularize any Roman Catholic State in which the Roman Catholics could prevent secularization, and yet retained his ecclesiastical standing?

The last quotation does not tend to show that Gov. Smith's conception of the limitations of the religious motive, in that which others consider as *purely* secular and political affairs, is drawn where secularists conceive that the line should be drawn. There are non-Catholic politicians who claim to have gotten interference and threats from Roman Catholic ecclesiasts and laymen, when the said politicians' conception of secular duty came in conflict with such a conception as Mr. Marshall, in his open letter, ascribed to Roman Catholics. But that is immaterial to our present inquiry, except to suggest the need for inquiry. A fairly well-informed, zealous, Roman Catholic-trained conscience does not need specific directions or threats to induce conformity. What is desirable is to discover where Gov. Smith draws the line between his religious conscience and his conception of *purely* human secular thinking. Will he give our Constitution a thoroughly secular interpretation? or a theocratic interpretation?

These conscientious predispositions to certain conformities are more or less determined, in all of us, by the training of our childhood emotional associations. So they become incorporated into those unconscious mental

processes, which, in our more dense ignorance and morbid intensity, many must glorify as "a God-given conscience." Even Protestant judges, and psycho-neurotic "liberals," have furnished precedents for such immature intellectual methods, when dealing with the relationship of Church and State. The parochial school, or the past revivalists' effective exhortations, can usually be depended upon to guide the "conscience" to see all expediency according to the respective orthodoxies. Also, it may induce the acceptance of a division, with "heretics" and schismatics, of political power and of the spoils of office. Of course it will be claimed that this is done only as a means to the superhuman end of soul-salvation, or in the interest of the Lord's cause. What do little ecclesiastical differences amount to, as between the political friends of God, when only the secularism of our schools is sacrificed in the interest of—of—shall I say in the interests of some neurotically conceived, common moral interest, or the exaltation of a common verbal or ceremonial symbol, all used in strengthening the temporal arm of "the government of God"?

Mr. Marshall quoted from some Popes and others in high places, what is apparently the official position of the Roman Catholic Church. This concerns what Cardinal Gibbons calls "the twilight zone" of conflict between the jurisdictional claims of Roman Catholics and of secularists. According to those authorities, in every such conflict the Roman Catholic Church must prevail. Of this doctrine Gov. Smith writes: "So little are these matters of the essence of my faith that I, a devout Catholic since my childhood, *never heard of them until I read your letter.*" This does not mean that those doctrines will not actually control his conscientious conduct.

Once get a child emotionally and devoutly attached to the Pope, or to a priest, a sacred book, or any religious institution, as being a symbol for or a representative of an omnipotent Heavenly Father, and as the infallible expounders of His omniscient will, and the gate-keeper to eternal bliss, then all is well in the vineyard of the Lord. All can then be left quite safely to "conscience," as God's mysterious influence. This is usually little more than the continued working of an unconsciously deter-

mined and immature "conscience," probably moulded by a parochial school discipline.

All of these illiterate common people, who in the Middle Ages approved of the Inquisition, could probably have truthfully said that they had never read or heard any ecclesiastical mandates for intolerance. They nevertheless could approve most *conscientiously* of what was being done. This was so, because it was done for the alleged glory of God and in His name, in the alleged furtherance of their own and their children's soul-safety; and was claimed to be done in the interests of "the only true Church," and in its name, and without a rebuke from the "infallible" head. A "conscience" thoroughly trained in emotional adherence to anything which is effectively associated with the living symbol of a Father-God, need not have previously been instructed as to any particular "moral" dogma in order to later insure action in harmony with it, as being "God's will" whenever it is made known by God's "vicegerent."

So then, what Gov. Smith has or has not heard or read is of little consequence, so far as his "conscience" is concerned. The conscientious predisposition consists, not so much in consciously formulated dogmas, as in the unconsciously working emotions and impulses associated with the Roman Catholic Church and with its "infallible" head.

What is important is to know the actual (including, of course, the emotional) mental content of Gov. Smith's parochial conscience, and the precise limits beyond which are to be found his *purely* secular, human thinking about human affairs, as to which he will at least *try* to think, unhampered by his religious conscience, or training. When he sees fit to make a complete disclosure of that part of his mental content, we will know whether he approaches the interpretation of our constitutions with a secularistic or a theocratic predisposition. That is the issue, about which information is desired, and that is by most non-Romanists considered to be a purely political issue. Even his continuing silence may give us an eloquent testimonial as to a theocratic mental status, which he fears to make public.

Let us imagine one of the "light fingered gentry" who adorn themselves with jewels that are acquired without a



legitimate consideration, or without the previous owner's consent. We can understand that such a person might have a very tender "conscience," which would easily and quite unconsciously reveal itself in unexpected ways. An acquaintance of a few minutes, perhaps wishing only to flatter, or to purchase similar finery, might ask: "Where did you get it?" One with a guilty, sensitive conscience might come back passionately with this: "That is none of your business; you insult me, because your question implies that I stole it." That psychology is easy to understand. The wicked flee when no one pursues.

Mr. Marshall asked Gov. Smith to tell, in case of conflicting claims of jurisdiction, as between the Roman Catholic Church and the secular authorities of the State, how then the Governor would decide that issue. All secularists will consider that a perfectly legitimate inquiry about a secular subject. Gov. Smith was not so crude as our imaginary pickpocket, but nevertheless he expressed a somewhat similar attitude of mind. In effect he said: "This is none of your business because you are improperly injecting religious discussion into a political campaign. How dare you challenge my patriotism and my intellectual integrity by your theological question?" Many find difficulty in seeing that Mr. Marshall implied any of these accusations. So we may wonder what gave Gov. Smith such a very tender conscience, about religion, theology, and intellectual honesty. If Gov. Smith had not been emotionally upset, he would not have begged the question. In that situation, he would have convicted Mr. Marshall of going beyond the proper bounds of politics, *by giving his own definition of the scope of religion within the proper bounds.*

If this evasive part of his letter was subconsciously determined, then he, too, may be revealing a guilty conscience in these particulars. On the other hand, this choice of phrase may have been made upon very objective and conscious considerations. In that event Gov. Smith may have purposely changed the issue so as to assume a martyr's pose. This might be conceived as a means of getting sympathy for himself and his Church as well as arousing hostile emotions against those who ask embarrassing questions, in the debatable area between the jurisdiction of the Church and of the State. Such tricks

appear to be the common property of most politicians. A few would gladly have exalted the Governor far above tricky politicians, if he had resisted this temptation. However, he probably made more votes by the evasive martyr's pose than he lost by it.

The difference between the conscience of Protestant secularists and that of Roman Catholics may be seen when we get the significance of the following sentiment from Cardinal Mercier of the Belgian Episcopate, in glorification of the Papacy as "the accepted and cherished supremacy of one conscience over all other consciences, of one will over all other wills." (Requoted from Mr. Marshall's reply to Gov. Smith, *N. Y. Sun*, April 18, 1927.) It is just that slavish subservience to one will which makes some persons afraid of Roman Catholic statesmanship.

Many are dominated by a conscience which is (perhaps unconsciously) valued as if it were an inerrant absolute. This extravagant valuation will exhibit itself by using that "conscience," uncorrected and unchecked by any objective considerations, as the final arbiter and justification in all disputed judgments. This condition is psychologically not one whit different from any paranoid theomania. Our asylums for the insane hold many varied rationalizations of such delusions of grandeur. If their subjective and highly personal systems of reference are rationalized in unconventional fashion, without the support of any standardized group of devotees, we are apt to put the victims of such delusions in asylums for the insane. When the victims of a cleverly rationalized neurotic compulsion can induce enough of other psychoneurotics and morons to adopt their formulation of the self-idealization, we elevate the victim to the position of a "leading" clergyman, politician, or moralist for revenue. Some of us are very anxious to be more informed as to the mental content of Gov. Smith's supremely sacred conscience. Its importance becomes more apparent when we come to understand its relations to the laws of the land.

## CHAPTER XV.

### OBEDIENCE TO THE POPE, OR TO LAWS.

Gov. Smith's letter says: "I recognize no *power* in the institutions of my Church to interfere with the Constitution of the United States, or the enforcement of the laws of the land." Be it observed that he only failed to discover any "*power*" in the Roman Catholic Church to interfere with the laws and Constitution of a non-Catholic nation! He does not repudiate its claim of divine authority for "moral" supremacy over the interpretation and enforcement of our laws and Constitution. He nowhere denies the theory of papal "infallibility" and supremacy in all matters which *his Church may judge to be a moral problem*. In such matters he does not deny that his conscience, judgment, and official conduct will be wholly controlled by the decisions of his Church or its "prudent directors." That was the challenge of Mr. Marshall which has not been met.

The present *power* of the Roman Catholic Church is not so much an issue as its claim of divine *authority* for the exercise of such "power," when it has come into being. If Gov. Smith concedes the claim of supreme divine authority for the political morals, and social polity, of his Church, then it is immaterial that he admits its present lack of *power* to enforce its claimed supremacy. He may still believe that "when might is [or shall become] equal to its right, it will rule the world." (Cath. Encyc., Vol. IV, p. 272.) What some wish to know is, whether Alfred E. Smith as President will increase or lessen that "power." This juggling of words, as between "power" and "*authority*," is quibble number one, in the above sentence, quoted from Gov. Smith.

It looks as though there is a second quibble in Gov. Smith's last quoted statement. If the Pope disapproves of any particular secular interpretation of our Constitution or laws, in favor of a theocratic interpretation, this is not, "properly speaking," an interference with their

operation or enforcement. What many would like to know is whether Gov. Smith's sacred parochial conscience predisposes him to such a theocratic interpretation? Or, will it predispose him to the appointment of Federal Judges who will make such theocratic interpretations?

There is a third quibble in the word "law," as Roman Catholics conceive and define the term. As we will presently see, if any statute is in conflict with the Pope's or the Roman Catholic Church's all-inclusive conception of "morals," then it is no "law" at all. This is analogous to a statute which is passed in excess of the constitutional authority of Congress, and therefore will be declared to be void, to be no law.

The sacredness and supremacy of a Roman Catholic-trained conscience apparently makes the Pope an infallible guide to political morals. So also, the Pope becomes the final arbiter of the Roman Catholic-trained conscience, as to just what statutes God permits his conscience to enforce as "law." For the parochial conscience, the Pope can thus put limitations upon the powers of Congress, which limitations are not found in a secularist's historic interpretation of our Constitution. However, any "properly" trained judicial conscience, guided by a "prudent director" and divine light, can readily make another interpretation of our Constitution, in harmony with the "divine" social polity. Again there is no interference with the enforcement of law "properly understood." Will President Smith prefer to appoint judges who are known to favor a thorough secular interpretation of our Constitution?

The above declaration in favor of "enforcement of the law of the land" is equally meaningless for a fourth reason. Everybody believes in the enforcement of some laws, as being much more important than the enforcement of others. Our interest is all a matter of relative zeal. All laws cannot be equally stressed in practice. What we wish to know is: what will be the Governor's point of emphasis? Will he emphasize those laws in harmony with the social polity of the Roman Catholic Church and relatively ignore those which contradict its social polity? Behind all such questions, of course, is the desire to get information as to the mental content, which the Governor's words symbolize for him.



The *Catholic Encyclopedia* seems to confirm all the foregoing contentions. After describing generally the jurisdiction of States, it continues: "And over all [it is] bound by the enactment of the Divine Law, both natural and positive. In a word, the State controls its own subjects in the pursuit of its own natural end, in all things *where a higher right does not estop it.*" (Vol. XIV, p. 251.) This means that within the all-inclusive "moral" problems, where the Pope is "infallible," his infallibility is supreme and will be acknowledged by fully conscientious Roman Catholics as annulling all contrary statutes. Again we see the papal conception of the "laws of God" as being supreme *over* statutes and secular judicial conceptions of the Constitution, whenever these come in conflict.

Upon this subject Cardinal Gibbons says: "Catholics then may subscribe to the fundamental article of English Protestantism, 'the Pope of Rome hath no jurisdiction in this realm,' *if it be understood of the realm of purely temporal affairs.*" Obviously, in all matters of temporal "morals," which never are "*purely temporal,*" the Pope has supreme jurisdiction. The Cardinal continues: "While we insist that he [the Pope] has the right to the free exercise of his spiritual authority over Catholics, we believe that in civil matters, *which do not contravene the [Roman Catholic conception of] moral law,* we Catholics owe a full and unreserved allegiance to the civil authorities." In a previous chapter it was shown that Roman Catholic moral theology covers practically everything in inter-human relations. In this light we may re-state Cardinal Gibbons as follows: In all social legislation, we yield an unreserved allegiance to all civil laws *which confirm our Church's moral theology* and social polity, as authoritatively taught through the Pope, and we refuse to be bound when the civil law contravenes his conception of the moral law.

The *Catholic Encyclopedia* puts it thus: "The [Roman Catholic] Church bids her members see in the civil power 'the minister of God,' and never justifies disobedience *except* in those rare cases where the State openly violates the natural or the revealed law." (Cath. Encyc., Vol. III, p. 761.) Stated in positive terms, this says: We always justify disobedience to the statutes which are not

in harmony with the "infallible" Pope's conception of social polity as a part of "the law of God." Such statutes cannot have been enacted by "the ministers of God" and so "are not laws, properly speaking."

Again Cardinal Gibbons says: "The [Roman Catholic] Church cannot intermeddle in affairs *purely* civil [are there any such in the papal view?], nor the State in affairs *purely* ecclesiastical [cunningly enough, nothing is said about legislation that is mixed 'spiritual' and human!]; and that members of the Church are bound to obey the State, within its own domain in all things *that do not contravene the* [Roman Catholic conception of] *moral law.*" (No. Amer. Rev., Vol. 189, p. 329, March, 1909.) Again the trick of defining the supremacy of the Pope *over* temporals only by negation. Stated in its positive form, this says: Whenever any statute contravenes the Roman Catholic-trained conscience as to anything in the all-inclusive "twilight zone," then such a statute is no "law," and is not binding on thoroughly orthodox Roman Catholics. Let me go back to Cardinal Gibbons. He wrote: "We believe in the sacredness and supremacy of [a Roman Catholic] conscience; and rulers of the world from Nero to Clemenceau have found the [Roman] Catholic conscience adamant." He gives us a concrete illustration of this papal supremacy thus: "If the State should forbid us [Roman] Catholics to continue our parochial schools we should resist to the *uttermost.*" So then, all this means that for Roman Catholics their parochially trained conscience makes the Pope's conception of moral law more binding than that of the conception of the Congress of the United States, when the latter has been made statutory.

The Roman Catholic "Manual of Christian Doctrine" asks and answers as follows: "In what case should we refuse obedience to civil authority? In case it should demand something opposed to divine law or to [a parochially trained?] *conscience.*" (P. 274, 48th Ed.) I quote further from the Roman Catholic "Manual of Christian Doctrine": "What right has the Pope in virtue of his supremacy? *The right to annul those laws or acts of government that would injure the salvation of souls or attack the [Roman] Catholic conception of the natural right of citizens.*" (P. 132, 48th Ed.) Pope

Leo XIII (Pope 1873-1903), the famous successor to the famous Pius IX, put it bluntly enough. Said he: "If the laws of the State are manifestly at variance with the [Roman Catholic conception of the] divine law, containing enactments harmful to the Roman Catholic Church, or conveying injunctions adverse to the duties imposed by [the Roman Catholic conception of] religion, or *if they violate in the person of the Supreme Pontiff the authority of Jesus Christ*, then truly, *to resist becomes a positive duty, to obey a crime.*" (Great Encyclical Letters of Leo XIII, p. 185. Quoted from: Canon Law of the Papal Throne, p. 42.) Now we know what is meant when Romanists are asked if civil laws bind them, and they answer: "Yes, laws properly understood." But this is just what may not be tolerated by a secular government, which rests upon the consent of the governed and not upon a Roman Catholic conception of the sanction of God. The Supreme Court puts it this way: "Religious beliefs [even as to sex morals] cannot be accepted as a justification for his committing an overt act, made criminal by the law of the land." (Reynolds vs. U. S., 98 U. S. 145.) If I understand the words of Cardinal Gibbons and the other authorities, on the inviolability, sacredness, and supremacy of the Roman Catholic conscience, then they hold a doctrine contrary to the Supreme Court, and make the Pope the final arbiter and the highest legal authority on earth. From this point of view the Pope's judgment of the divine will, made effective through the Roman Catholic-trained consciences of public officials, can impose limitations upon the powers of the Congress of the United States, which limitations no thorough secularist can find in the written Constitution.

But then, Gov. Smith may not go so far as the necessary implications of Cardinal Gibbons and the Manual of Christian Doctrine, or the infallibility of the papacy. Let us examine. In his public letter Gov. Smith says: "The law of the land is built upon the Commandments of God." I assume that Gov. Smith did not mean that the law of the land should be built upon an "heretical" and "erroneous" conception of the commandments of God. If statutes be not in fulfillment of the only true (the Roman Catholic) conception of God's will, as that is "infallibly" made known through the Pope, then it

would seem that they cannot, "properly speaking," be laws at all. This theory of the Governor's and of the Roman Catholic Church, is the very essence of a theocracy, the very thing that had obtained and was to be destroyed by our constitutional guarantees for a separation of Church and State. At any rate, this is the conclusion of some who use the historic method of constitutional interpretation. In Mr. Marshall's letter he quoted Pope Leo as follows: "Over the mighty multitude [of mankind] God has set rulers with power to govern, and He has willed that one of them [the Pope?] should be the head of all." (See also: Ryan, *The State and the Church*, p. 6.) And again Pope Leo XIII is quoted as referring to the Popes as: "We who hold upon this earth the place of God Almighty." Obediently to enact the Pope's conception of the will of God into the law of the land is to acknowledge the whole essence of rule by divine right. Of course the Roman Catholic Church will encourage obedience to *such laws*. To be consistent it must likewise encourage obedience to the "infallible" conceptions of political, economic, and social justice, even though this should involve a violation of so-called statute laws. If Gov. Smith does not mean this he should have told us his views of papal supremacy within the "twilight zone." He could still assure us that he holds his religious conscience subordinate to the statutes enacted by the State in *all matters* and in spite of the fact that in some part they deal with "spiritual" factors attached to temporal things.

All of these positions as to papal supremacy apply as much to international law as to municipal ordinances. What would Gov. Smith's inviolable, sacred, Roman Catholic-trained and supreme conscience, under papal guidance, do about international relations? How could the Pope be once more placed at the helm of international relations? How could President Alfred E. Smith promote this supremely desirable result?

Says Cardinal Gibbons: "That [political] power [but not the divine authority] was lost, when the unity of Christendom, on the rise of the modern States, ceased to be the fundamental principle of the law of nations; and when Germany, France, Russia, England, and America shall be welded into a world-wide confederation



on the plan of the Holy Roman Empire, then and not before, need statesmen discuss the possibility of a revival of the Medieval Papacy."

But that time is not now so far off as it seemed when Cardinal Gibbons wrote also these words: "The Hague Tribunal today [1909] is a very faint image of the political function and power of the Medieval Papacy, and it is but a voice, while the Pope was a living power, restraining and civilizing society." (North American Review, March, 1909.) Now the road is clear. In the councils of the League of Nations a relatively few faithful sons of the Church could actually, if not theoretically, put the Pope at its head. There is a possibility of Italy conceding to the Papacy some small territory over which the Pope will again be acknowledged the supreme and absolute temporal monarch. Thus, as an independent nation, this Papal State can receive international recognition, without jarring any Protestant nerves. So the supremacy of the Pope, in virtue of his divine right, may secure international recognition through his representative in the League of Nations. This would be made all the more effective by the international character of the Roman Catholic Church and its influence upon the consciences and loyalty of millions within every country. A Roman Catholic President of these United States could surely help a little, when the time is thought ripe. Thus once again the Papacy will reach its divinely ordained function of being measurably supreme over all earthly governments. And all this can come to pass by indirection—that is, by the "indirect" power of the Pope *over* temporals, and without any open acknowledgment of that supremacy.

It will never do to close any of these subjects, without consulting Father Ryan's book, who "voices the best Catholic thought" on such subjects. He says: "The authority of the State to make laws is derived from God. \* \* \* Hence civil law is genuine moral law, not merely a kind of legal or physical coercion." (P. 244; see also p. 17.) Again he says: "All ethically valid civil laws must be in harmony with the [Pope's conception of the] moral laws of nature. A statute which is contrary to a [papal, not to anti-papal, formulation of the] natural law, *has no moral force*, however solemnly it may have

been enacted, or formidably sanctioned, or vigorously enforced. *Such an enactment is not a law at all*, but, as St. Thomas calls it, 'a species of violence.' " (P. 245.)

Father Ryan quotes the Pastoral Letter of the American Roman Catholic Hierachy, for 1920, as follows: "We ought to obey God rather than men." He amplified this thought as follows: "Where a law is enacted contrary to the [Roman Catholic] reason, or to eternal law, or to some ordinance of God [as Roman Catholics conceive that], *obedience is unlawful*, lest, while obeying man, we become disobedient to God." (P. 239.) Further on comes this: "I do not discuss the hypothesis of laws wrong in [Roman Catholic conception of] morals, clearly beyond the province of the civil power, violations of the rights of the personal [Roman Catholic-trained] conscience." (P. 294. All from: *The State and the Church*.) These last words are from Archbishop John Ireland, D.D. All this makes it plain that the parochial conscience will compel disobedience to law, whenever a statute does violence to that parochial conscience, or violates a Pope's conception of moral law. If we want Roman Catholic obedience to law, we must limit statutory enactments to a legislative confirmation of the social polity of the Roman Catholic Church.

## CHAPTER XVI.

### GOV. SMITH REPUDIATES THE CONSTITUTION.

In illustrating the importance of the claimed supremacy of the Pope, Mr. Marshall referred to conditions in Mexico. If papal supremacy stood for obedience to law, we would not have read of the turmoil and revolutionary plots in Mexico following the secularization of the State. Then the Roman Catholic Episcopate, if not remaining silent, would have exhorted Mexican Catholics to obey the Mexican laws, for accomplishing the complete separation of Church and State, and would have denounced the Catholic rebels, who would then be considered as bringing discredit upon the Church by their disobedience of law. Nothing of the sort happened. The previous chapter on obedience to "law" may explain why.

Mr. Marshall called attention to the following claims made on behalf of the Roman Catholic Church: The Mexicans exceeded their right by the Constitutional provision that "the Mexican law recognizes no juridicial [that is, juristic] personality in the religious institutions known as churches." These Catholic claims proceeded upon the theory of Lord Acton: "Where ecclesiastical authority is restricted, religious liberty is denied." That theory of liberty was overruled by our American and by the Mexican Constitution.

A document quoted by Mr. Marshall, and prepared at the request of the Roman Catholic hierarchy of America, protested against the Mexican Constitutional and legal situation, because it is in "clear conflict with the basic doctrine of the Roman Catholic Church, and the deep belief of her members, that she is ecumenical and universal in the very sense and scope of the belief that *all people* ought to worship God, and that their Church [the Roman Catholic Church] was founded by Christ, true God and true Man, *for the governance of all men living under the skies.*" Mr. Marshall adds this comment: "The claim here asserted for the Roman Catholic Church is

exclusive of every other religious foundation, as having any spiritual rights."

According to this same Church advocate, writing at the request of the Roman Catholic hierarchy, "many historical precedents of action on the part of the Government of the United States \* \* \* could be cited, which would abundantly support a protest, a remonstrance, and even armed intervention at this time in Mexico." In this connection, among other items, Mr. Marshall quoted Pope Leo XIII as saying that God "commanded all nations to hear the voice of the [Roman Catholic] Church as if it were his own, threatening those who would not hear it with everlasting perdition."

Mr. Marshall concluded the consideration of this Mexican situation by this: "Your fellow citizens are concerned to *inquire what authority you ascribe to that voice.*" If Al. Smith were President of these United States, and the "infallible" Pope should then demand of him that he promote armed intervention in Mexico, then what authority would President Smith ascribe to that demand? Upon this question of papal supremacy, Gov. Smith was again silent. Until the Pope speaks, Catholics may of course hold any opinion they please. What Gov. Smith will do when the "divine will" about Mexico is made known to him through the Pope, is left to our inference, depending upon our estimate of the degree of his orthodoxy.

About the above stated Mexican issues, the letter signed by Gov. Smith made two answers, both beside the question asked. One was the quotation of equivocal declarations in a Pastoral Letter, issued by the Roman Catholic Episcopate. The other was a crudely uncertain statement as to Gov. Smith's opinion pending a decision by the Pope as to his moral duty in the matter. These two items will now be discussed in piece-meal.

The Pastoral Letter says: "What, therefore, we have written is no call on the faithful here or elsewhere to *purely* human action." Here we have the same old tricky phrase: "*purely* human action." Of course not. It was a mixed "*spiritual*" and human issue, whose meaning for the faithful was that they must obey God's law rather than the Mexican man-made law. The Knights of Columbus understood. Accordingly they entered upon



an extensive propaganda, which was all meaningless hot air unless it was meant to promote armed intervention. The Pastoral did not prohibit or discourage armed intervention nor a Roman Catholic revolution in Mexico. It was a call to the faithful, to perform their "spiritual" duty, that must induce both intervention and revolution whenever there is a reasonable chance for success.

Again the Pastoral Letter says: "It is no interposition of our influence, either as Bishops or as citizens, to reach those who possess political power \* \* \* to the end that they should intervene with armed force in the internal affairs of Mexico for the protection of the Church." Has the Church ever abandoned its claim for a divine right to such protection? Not yet! Is this American Episcopate composed of such fools, as to issue this Pastoral Letter without the hope that it would produce effective action, either through active intervention or the fear of it on the part of Mexico? There seems to be no other alternative: Either the Episcopate is composed of fools consciously engaged in futile and purposeless exhortation, or it wished politicians to do the only effective thing, in response to its complaint over the Mexican situation, and in furtherance of its persistent claim to protection as a matter of divine right.

The Pastoral Letter continues: "Our duty is done when, by telling the story, we sound a warning to Christian civilization that its foundations are again being undermined. For the rest, God will bring His will to pass in His own good time and in His own good way." So is it put up to those who believe it their duty to protect the "liberty" (supremacy) of "the only true Church," to do their duty to God, and exert every pressure to protect the Papal supremacy in Mexico, against the mandates of the *thoroughly* secular Constitution and laws of Mexico. Again we ask: What authority will Gov. Smith ascribe to the voice of his Church if it should call upon him to promote intervention in Mexico, as a "moral" duty?

Now we come to a consideration of Gov. Smith's own words. In the letter signed by Gov. Smith there is an attempted declaration as to his attitude toward Mexican affairs. To some psychologists, he there manifests the influence of a very considerable internal disturbance. It

is conceivable that the Governor had a conflict of impulse, as between a desire to conform to what some very enthusiastic Roman Catholic supporters expect of him as President, and an impulse to also conform to a contrary hope, held by many non-Catholics, whose support he must have for his election. Some of us are very much interested to observe how frankly, whole-heartedly and objectively he can or cannot face and solve such a "conflict" of impulse.

He might have said: "I favor armed intervention in Mexico to re-establish the privileges or 'liberties' of the Roman Catholic Church, although I may find and express some other justification for my decision."

Or, on the other hand, he might have said: "I know that there are many Catholics and others who want our armed intervention in Mexico. *Some will demand only a lifting of the embargo on arms so that the Knights of Columbus and claimants of questionable titles to Mexican oil wells can give effective support to Roman Catholic rebels in Mexico.* I recognize for all such citizens the Constitutional right to petition their government for anything they may want it to do. However, I pledge myself to refuse compliance with any such request or any other request designed to change the present status or to promote a more thorough reunion of the Roman Catholic Church and the Mexican State."

Instead of such direct and unequivocal declarations, Gov. Smith signed this: "*I recognize the right of NO CHURCH to ask* armed intervention by this country in the affairs of another." A strict textual construction, of the words which I have italicized and capitalized, leaves the sentence quite meaningless. Of course, the "NO CHURCH" (nothingness) cannot have "rights" capable of anybody's recognition. Strictly speaking, the words are not the equivalent of: "I deny the right of the Roman Catholic Church, or any other Church, to ask," etc. Of course, I feel certain that here the Governor did not consciously intend to quibble. The actual words used were probably the product of a mere subconscious compromise between somebody's irreconcilable impulses. If Gov. Smith will now say that his whole conscious desire was to deny to Catholics and others "*the right \* \* \* to ask*" for U. S. armed intervention in Mexico, I am quite willing to

accept that as his meaning. Then one might infer that the psychologic difficulty implied in his failure to express himself with the usual directness was thwarted by a contrary impulse, working from below the surface of consciousness. Had this impulse been sufficiently conscious to be wholly articulate, it could perhaps have expressed itself in a recognition of the right to ask for help from the United States, toward a reunion of Church and State in Mexico, and a strong desire to conform to such a request. The contrary more conscious desire would be for the political advantage to be derived from negating that first mentioned urge. Because of the internal subconscious conflict between these irreconcilable impulses, a merely verbal compromise was effected below the surface of consciousness. Whoever wrote that sentence, the awkward and quite meaningless result was the product of that inner conflict. Those who know enough about modern psychology to understand that I am making an effort to describe a psychologic process, will know that I am not now accusing Gov. Smith of any conscious intellectual dishonesty, nor even a consciousness of quibbling. If such consciousness had existed, I believe it would have found a very different mode of expression.

The situation is not improved for Gov. Smith, if we interpret his words as the equivalent of: "I deny the right of the Roman Catholic Church or any other church, to ask me as President for an armed intervention in Mexico." If that was the consciously intended meaning, then a psychologist still sees in it the passionate overstatement of one who has, because of an inner conflict of impulse, found it impossible to remain calm in the face of Mr. Marshall's request for information. If Gov. Smith will now accept the last interpretation, then he presents himself as denying to the Roman Catholic Church and other Churches the constitutionally guaranteed right of petition.

Gov. Smith has been subjected to the more or less logical imputation that, in case of a conflict between the jurisdictional claims of his Church and those made under a secularist interpretation of our Constitution, then he would have his Church prevail. His answer to Mr. Marshall was presumably written to negative that logical inference, and yet, in that very letter he confirms the im-

putation against him. In his passionate zeal to defend his Church against a mere academic charge of wishing to invade what others call "purely temporal matters," *the Governor repudiates the constitutional right to petition the Government.* This confirms the suspicion, that if a very real interest of the Roman Catholic Church ever came in conflict with the secularist's interpretation of the Constitution, that then a theocratic interpretation would be found to justify our Governor in ignoring the claims of secularists. Doubtless Gov. Smith was wholly unconscious of having thus frankly set aside the right to petition, as he has always remained unconscious of any conflict of loyalties between his allegiance to both the Roman Catholic Church and a State. It is just his capacity for thus following his conscience, and remaining unconscious of the wrongs that others feel, which make many afraid to vote for him.

The real question as to Mexico remains unanswered. We still wish to know whether in the event that the Pope and his Church calls upon Gov. Smith as President to promote our intervention in Mexico, and to promote the re-establishment of the Roman Catholic Church there, what authority will Alfred E. Smith concede to that demand coming from that source?



## CHAPTER XVII.

### ROMANISTS AND SECULAR SCHOOLS.

In order that we may have a clear view of the issue over secular schools, as to which it is desirable to know Gov. Smith's opinion, we will begin by quoting Roman Catholic authorities. These tend to show a consistent and continuing hostility to a thorough secularist's conception of education, and to thoroughly secularized public schools. There is no Roman Catholic objection to their being publicly supported, but I fear that Romanist devotion is measured by the degree to which they deviate from the secularist's conception of education, and the degree to which they escape Roman Catholic control. So far as Gov. Smith and the voters are concerned, the issue becomes one as to his personal desire, as applied to the interpretation of our laws and constitutions, in relation to education. Invested with public office, has Gov. Smith ever promoted, or will he promote, the introduction of more of the Roman Catholic conception of religion and of moral theology into the public schools? Has he ever promoted, or will he promote, the more complete secularization of the public schools? These questions are asked because of his claimed Romanist loyalty, and what accredited orthodox Romanist leaders teach.

Let us begin with the "Syllabus, or a Collection of Errors Condemned by Pius IX, Dec. 8, 1864." There we find these following errors concerning education listed and condemned by the Pope:

"The entire control of public schools in which the youth of a Christian State is educated, diocesan seminaries to a certain extent excepted, can and must be attributed to the civil authority; and that in such a manner that no other authority has the right to interfere in the discipline of the schools, the direction of the studies, the conferring of degrees, or the choice and approbation of the teachers." *That is condemned by the Pope.*

"46. Nay, even in ecclesiastical seminaries the plan of studies to be pursued is subject to civil authority." *That is condemned by the Pope.*

"47. The most perfect state of civil society requires that the common schools, which are open to the children of all classes of the people, and the public institutions in general, which are destined for teaching letters and the exact sciences, and for educating youth, should be exempted from all authority, direction, and interference of the [Roman Catholic] Church, and be subjected to the absolute power of civil authority at the discretion of the rulers of the State and according to the standard of prevailing public opinion." *That is condemned by the Pope.*

"48. Catholic men may approve that system of education of youth which is divorced from Catholic faith and the power of the Church, and which regards only, or at least chiefly, natural sciences and the domain of social life on earth." *That is condemned by the Pope.* (See Handbook of the Christian Religion, by Rev. Wilmers, S.J., with *imprimatur* of Archbishop Augustine and Archbishop Farley, p. 504. For a slightly different but authorized translation, see: Dogmatic Canons and Decrees, pp. 199-200.)

All thorough secularists are apt to approve each of the foregoing propositions, which were condemned by the Pope. It is such teachings on the part of the Roman Catholic Church which makes it politically important for non-Catholics to discover whether Gov. Smith is interested in promoting or impairing the *secularization* of public schools. He has not yet informed us upon this point.

The Syllabus of Pope Pius IX is, according to the Catholic Encyclopedia (Vol. 14, p. 368) binding upon the conscience of all Romanists. Therefore we must interpret Gov. Smith's approval of our American public school system in such a way as to make it harmonize with the Syllabus, if that is possible. Any other interpretation requires us to assume that Gov. Smith is a heretic.

*Codex Juris Canonici* is the official statement of Roman Catholic canon law. It contains thirty sections in explanation of the Church's attitude toward education. Canon 1373 says: "Section 2. Youths who attend the secondary or higher schools should be given fuller instruction in [Roman Catholic conception of] Christian

doctrine, and the local Ordinaries should see to it that this instruction is given by zealous and learned priests." (Quoted from: Canon Law of the Papal Throne, by Gilbert O. Nations, Ph.D., p. 47, Ed. 1926.)

Canon 1374 of the *Codex* reads as follows: "Catholic children shall not attend non-Catholic, indifferent schools that are mixed, that is to say, schools open to Catholics and non-Catholics alike. The Bishop of the diocese only has the right, in harmony with the instructions of the Holy See, to decide under what circumstances, and with what safeguards to prevent loss of faith, *it may be tolerated* that Catholic children go to such schools." (Quoted from Canon Law of the Papal Throne, by Gilbert O. Nations, Ph.D., pp. 51-52.)

The words that I have italicized above are made plain in their import by the following instructions by the Holy See: "Generally speaking, such cause will exist if there is no Catholic school in the place, or if the one that is there cannot be considered suitable to the conditions and circumstances of the pupils. Parents who neglect to give this necessary [Roman Catholic conception of] Christian training and instruction to their children, or who permit them to go to a school in which the ruin of their souls is inevitable, or, finally, who send them to the public schools without sufficient cause and without taking the necessary precautions to render the danger of perversion remote, and do so while there is a good and well-equipped Catholic school in the place, and while they have the means to send them elsewhere to be educated; such parents, if obstinate, cannot be absolved, as is evident from the moral teaching of the Church." (See: Commentary on Canon Law, Augustine, published 1921, with imprimatur of Archbishop Glennon, Vol. VI, pp. 415-416. Here quoted from: Canon Law of the Papal Throne, by Gilbert O. Nations, Ph.D., p. 52.)

Gov. Smith attended a parochial school only. These canons are binding upon his conscience. His conduct confirms this, when he boasts that all his children went to the parochial school. Again we must assume that Gov. Smith is not a "heretic" with an "erroneous conscience." Accordingly his profession and his practice show a divided allegiance. Until he makes a more specific repudiation of the canonical doctrine, and the Syllabus

of Pope Pius IX, we must assume that his verbal approval of the public schools represents a different mental content than that which exists when a thorough secularist approves of our public school system.

A standard Roman Catholic text-book on *The Growth and Development of the Catholic School System in the United States*, by Rev. J. A. Burns, President of Holy Cross College, Washington, D. C., published 1912, with *imprimatur* of the late Cardinal Farley, further evinces hostility of the hierarchy and the canon law to public schools in this frank declaration, which appears on page 223: "We deny, of course, as Catholics, *the right of the civil government to educate, for education is a function of the spiritual society, as much so as preaching and the administration of the sacraments*; but we do not deny to the State the right to establish and maintain public schools. The State, if it chooses, may even endow religion or pay the ministers of religion for their support. \* \* \* It may found and endow schools and pay the teachers, *but it cannot dictate or interfere with the education or discipline of the schools.*"

Now then, we have a hint as to the sense in which Gov. Smith may be approving public schools. He did not approve them for his own children. Until the voting power is adequate to enforce the divine right of the Roman Catholic Church to educate in the only true way, of course our relatively secular schools may be, inevitably must be, tolerated. They may even be advanced and encouraged, so far as their physical equipment is concerned. All this will aid the cause of the Roman Catholic Church, when it shall have the power to support its divine authority to take over the education of all youths.

In his reply to Mr. Marshall, the Governor gives us no specific information as to the sense in which, or with what ultimate design, he supported the public schools. He is content to tell us, in this general language, that he has supported "the State Department of Education in every effort to promote the public school system." Certain persons, devoted to "malicious importunity," will still ask: Has Gov. Smith supported public education in such a way as to promote a more thorough secularism in the public schools? Or has he aided the religious invasion of public school education? Or acted with the



end in view of ultimately helping a public education that will promote his conscientious devotion to the theory that education is a spiritual function of the only true Church, and not an exclusively secular function? Even here, I am not so much concerned with what Gov. Smith found it practically possible to do, as to discover whether he has really made an inner renunciation and denial of such teachings as I have quoted from the official spokesmen of his "infallible" Pope.

There are already nearly one hundred cities in New York State, where public schools are dismissed in advance of the ordinary hour, in order that the pupils may be sent to churches for religious instruction. It is said that this practice was much extended during Gov. Smith's career as an officer of the State. Did he during any of that time take any steps to prevent that practice? During his term as Governor, a question was raised as to the legality of this practice. The State Department of Education defended the above practice in the courts. Did Gov. Smith do anything to prevent that? The practice was upheld by the courts of the State. By this the judges did not exhibit any predominant interest in a thoroughly secular interpretation of our laws and constitutions. Some of these judges held their office by the Governor's appointment, I believe. A number of them were Roman Catholics, perhaps with a very conscious, and conscientious, theocratic predisposition. Others may have been just ordinary Protestant sentimentalists, not knowing just where they were headed for, nor so very conscious of the consequences of their acts. But this is all conjecture, based only upon the fact that not one word did these judges say to indicate any awareness that in such matters there exists a large body of historical data, which is a part of the historical method for interpreting of constitutional guarantees for a separation of Church and State. Will more of such theocratically predisposed judges be appointed by Gov. Smith if he becomes President?

There is one specific instance in the career of Alfred E. Smith which tends to confirm one's suspicion, if such exists, that the direction of his interest in the public school system is to develop it Romeward. Alfred E. Smith was a member of the last Constitutional Conven-

tion of New York. There somebody introduced a provision for the taxation of all church property. No *thorough* secularist would object to that. However, there are many Protestants who are generally regarded as approximate secularists, who still act as if honoring the Emperor Constantine's grant for exempting church property from taxation. Such might resist, and did resist, this provision, as did Alfred E. Smith. However, the special tactics resorted to by Alfred E. Smith were different from the method of many other opponents. He sought to prevent the more complete secularization of New York by threatening to enlarge theocratic influence. More specifically, I mean this: Alfred E. Smith proposed a counter-irritant in the form of an amendment that would permit the legislature to provide public funds for parochial schools. (See: Report of State Constitutional Convention of 1915, Vol. 1, p. 375.) Of course, no thorough secularist, nor even a limited secularist, could have thought of such a manner of defeating the further secularization of the State. It is very significant of the nature of Gov. Smith's automatic psychologic imperatives, that such a remedy came to the surface of his consciousness.

Again we may go to Father Ryan's book "The State and the Church" to restate this for us, in quite authoritative manner. Thus he quotes Pope Leo XIII (1885), as follows: "All are bound to love the [Roman Catholic] Church as their common mother, to obey her laws, promote her honor, defend her rights. \* \* \* It is also of great moment \* \* \* to endeavour above all to introduce effectual measures, so that \* \* \* *public provision* may be made for the instruction of youth in [the only true?] religion and true [Roman Catholic conceptions of] morality." (P. 22.)

In another place Father Ryan again quotes Pope Leo XIII: "There is no reason why *genuine* liberty should grow indignant, or *true* science feel aggrieved, at having to bear the just and necessary restraint of laws by which in the judgment of the [Roman Catholic] Church and of Reason itself, human teaching has to be controlled." (P. 242.) Also this: "*Not against State schools, as such* do I raise objection, but as to the methods that \* \* \* do in fact consecrate secularism as the religion of America."

(P. 291.) Perhaps to make a *religion* of secularism implies more of emotional valuation than is consistent with the best of mental hygiene. Eliminating secularism from our schools is not the alternative. However, we may still ask whether or not the real meaning of Pope Leo XIII, and therefore of Gov. Smith, is that human teaching of science must be so controlled in our public schools as not to impair the dominance of Roman Catholic theologic concepts, that the present controlling interest, toward perpetuating or increasing the secularity of instruction, will be replaced by increasing the influence of Roman Catholic conceptions of education to the point of its complete supremacy in our schools?

Upon such a record made by the Roman Catholic Church, and such a record made by Gov. Smith, I hope it is not unreasonable to ask for further and more specific information, as to his mental content, when he thinks that he has "promoted the public school system." Such very general language, when used by one who also affirms his devotion to the source of such uniform teaching as has been quoted from the spokesmen of the Roman Catholic Church, and is in conscience bound to dissuade Romanists from using our public schools, is too suggestive of "oily words" and justified equivocation, to be wholly convincing. Won't Gov. Smith let us into the secret interpretation of words by which he reconciles what, to the duller senses of some others, may seem to be almost irreconcilable? To what end does he support our public school system? Is it to increase Roman Catholic influence in their control? Or, is it to make their secularism more complete? That is the essential problem about which we need more light.

## CHAPTER XVIII.

### CONCERNING FREE SPEECH.

Our various constitutional guarantees for a separation of Church and State, and for liberty of speech and press, are only more specific legal terms for insuring "tolerance." In order to understand Governor Smith's general professions, so that we are not in the position of being merely permitted to deceive ourselves (Manual of Christian Doctrine, p. 306), we may properly insist upon learning more of his mental content, in relation to his general profession of tolerance. Since I am insisting so often upon this, it may be well to explain more of the reason for that insistence.

Quite unconsciously and often, our immature emotional associations impose themselves as effective, concrete prohibitions, against living up to our general professions of toleration. Quite honestly we make a *general* profession, without at the time having in mind *all* the specific problems which others may believe to come within our very general words. When confronted with some new concrete problem, which arouses intense feelings within us, these feelings may make it impossible for some to live up to our professions. Now these unconscious mental processes may become glorified as a God-given conscience and moral scruples, and so be converted into a justification of higher order, or of divine supremacy, for ignoring our earlier professions; or for ignoring our oaths to support our constitutional guarantees for the widest tolerance. If now we have considerable intellectual ingenuity, this will not result in any avowed repudiation of the Constitution. All that is then necessary is to rediscover some older definitions for freedom, and by their help reinterpret our Constitution, so as to get at its "proper" theocratic meaning. The slippery process of interpretation, by using a fog of words, can produce any kind of mirage.

Thus it comes that an inadequate cultural restraint, upon our immature and often unconscious emotional tendencies, has already induced some courts to explain away a part of those more libertarian implications, which to



others seem obvious in our constitutional guarantees. Practically everybody professes belief in the words: "tolerance, freedom of speech and press." In practice very few live up to *all* the historic implications of such general words. My repeated insistence upon knowing more of Gov. Smith's mental content, implies no reflection upon his integrity. Even his failure to respond will make the result a reflection only upon his intelligence.

In view of the historic intolerance of the Roman Catholic Church; and in view of its claims of unchangeableness and of infallibility for the Popes; and in view of the continuous teaching of the justice of certain intolerances, by the accredited spokesmen of that church; and in view of the fact that through the centuries of conflict, not one unequivocal declaration has come from the "infallible" Popes in favor of the morality, or the expediency of enlarging to the uttermost the Roman Catholic practice concerning tolerance; and in view of Gov. Smith's candidacy and his obvious and often expressed devotion to his Church and to his parochial conscience, perhaps it is not wholly unreasonable that many voters are a bit doubtful and anxious to know quite specifically in what direction his influence as President will be used. Will he seek to enforce the larger tolerance, even upon his own Church? Or will he, at least by inaction, encourage the recent obvious drift back toward less tolerance, and toward more of ecclesiastical and religious supremacy in our intellectual life? Some there are who are not content that certain tendencies among fundamentalist Protestants shall be called tyranny, and a similar supremacy and dominance for the social polity of the Roman Catholic Church shall be called the Church's "liberty." It is not tricks of words that solve such problems.

In view of all this, it is unfortunate that Gov. Smith did not think to give us some enlightening specific information as to his way of interpreting our constitutional guarantees for tolerance. *When the war was over* he pardoned Larkin, and in his recent letter, said something about war-time hysteria. Nothing was said or done by him to thwart the hysterical demand for the enlarging of censorships that is always with us.

Let us now assume that Gov. Smith's general reference to the Constitution is to be applied specifically to the

provisions guaranteeing freedom of speech and of the press. It will now be made plain that even then, his assurance is quite as meaningless as many of his other "glittering generalities." We still wish to know *in what sense* he upholds freedom of utterance.

In connection with our free speech guarantees, we have the same four distinct attitudes of mind which were described in connection with the separation of churches from the State.

(I) There are those who, so long as they have not the *power* to change things, will acquiesce calmly and more or less unconsciously even in the most liberal historical interpretation of these constitutional provisions. But they will not be active to promote the acceptance or perpetuate the practice in harmony with such interpretations. When they acquire the *power* they will amend the constitutional guarantees in harmony with the conception of theocrats, like the British monarchs, who also claimed to rule by "divine right."

(II) A second group has no general principle for constitutional interpretation. These persons will read into our guarantees for the larger tolerance, whatever may be their temporary feelings concerning any particular problem that may arise.

(III) A third group will have a thorough and conscious theocratic or feudalistic attitude of mind toward free speech. With any intellectual ingenuity, they will interpret our guarantees for tolerance in harmony with the judicial tyrants, who claimed to rule by "divine right." Blackstone formulated their view when he said: "Where blasphemous, immoral, treasonable, schismatical, seditious or scandalous libels are punished by the English law, the liberty of the press, *properly understood*, is by no means infringed or violated." Again he says: "Liberty of the press consists [only] in laying no previous restraint upon publication." Elsewhere he says that "everything is now [18th century England] as it should be, unless \* \* \*, under these restrictions, it seems necessary to support the National Religion, that the officers of the Church should have power to censure heretics, but not to exterminate or destroy them." Although it was precisely such conceptions of tolerance that our constitutions were designed to destroy, yet some

judges have found it desirable to perpetuate these pre-revolutionary ideas about free speech, just as if the first amendment was designed to perpetuate the above views of Blackstone, instead of destroying them. A part of Blackstone, as quoted above, has already been read into the constitutional words by some theocratic judges. By the same immature intellectual methods all the rest of Blackstone, as quoted above, can also be read into our constitutions. Theocratic judges will do it.

(IV) A fourth group believe in a thoroughly libertarian and historical interpretation of free speech, as a growth in tolerance. Such persons would not restrain or punish anyone, upon a mere speculative and problematic guess about the psychologic tendency of a book or speech upon a hypothetical person. When only a proven, actual, and material injury can invoke a penalty then "no one can be punished for expressing, or prevented from receiving even the most odious opinion—about the most obnoxious subject—expressed in the most offensive language—by the most despised person." According to some, that is the only thorough libertarian and historic meaning of our Constitution.

It would interest many voters to know which of these four various predispositions, concerning the constitutional guarantees of free speech, has the approval of Gov. Smith's inviolable Roman Catholic-trained conscience. Of course, that would only be a part of his mental content when he talks about tolerance. There is reason to believe that it is not the last meaning, that of the most thorough libertarians, which lures his devotion. It is possible that even the combined Protestant and Roman Catholic theocrats will not immediately be able to put publishers into the same situation as New York theatrical producers are placed under the Wales bill, which passed with Governor Smith's approval. By implication the Governor assures us that his approval was given without any awareness on his part, that this involved a conflict between his Roman Catholic-trained conscience about sex and censorship, and the historical interpretation of our constitutional guarantees of free speech. "Where ignorance is bliss 'tis folly to be wise." This Wales bill, for theatre censorship, is the most drastic bill for its purpose ever enacted, since the abolition of

the death penalty, for expressing disapproved opinions. Is this a fair index to other limitations to Gov. Smith's conception of tolerance?

All through Alfred E. Smith's long career as legislator and Governor there existed some statutes which were a violation of the thorough libertarian's historical interpretation of our constitutions, such as was outlined above. Gov. Smith made no move to have any such laws repealed, and is said to have approved some of the more recent statutes of this character. So then, we are still in doubt as to his conscientious predispositions (his mental content) concerning the limits of that tolerance which he conceives to be protected by our constitutional guarantees of freedom of speech and of the press. Would Gov. Smith as President use his official position to enlarge or to lessen the restrictions that already exist to curb the promulgation of unpopular opinions, by means of speech, radio, theatre, and post office? This is especially important upon those "moral" subjects of controversy, as to which the Roman Catholic Church manifests great zeal for the narrowest (not to say morbid) conceptions. There are many restrictions which Congress has already passed. Federal judges, and their temperamental necessities, will determine with what sort of conscientious predisposition they will approach the problem of constitutional construction. Thus a theocratic predisposition and a Romanized conscience would differ from a thoroughly secular predisposition in determining whether or not any such laws will be held to be constitutional. What kind of judges will Alfred E. Smith as President nominate for the Courts of the United States?

There is another reason for doubting that Gov. Smith will uphold a thorough historic libertarian interpretation of the free-speech clause of the Constitution. This doubt is based upon the historic attitude of the Roman Catholic Church. Here I am happy to find that properly reported by Father Ryan who "voices the best Catholic thought" in most of such matters. Always Father Ryan's book on *The State and the Church* helps me to understand Gov. Smith. Notwithstanding our Constitution, Father Ryan tells us: "There is no more reason for permitting a man to say or write what he pleases than for permitting him to exercise any other set of muscles according to his



unregulated pleasure, and regardless of [the Roman Catholic conception of] social welfare \* \* \*. Now freedom of expression, carried so far as to include the utterance of doctrines which are [from the infallible Pope's dictum] false and injurious to [a Roman Catholic conception of] human welfare is not a rational freedom, since the end which it promotes is irrational. Consequently, there exists no such natural right, any more than there exists a natural right of a manufacturer to adulterate food. [That false analogy has always been effective with theocrats, and those who even unconsciously assume infallibility in deciding what is poisonous 'intellectual food.'] Of the two forms of adulteration that which injures [Roman Catholic] mind and character is frequently more deadly than that which harms the body. Therefore, the natural right of freedom of expression extends only to those opinions and doctrines which are true and righteous." (P. 55.) But who is the infallible judge of what is true and right? Obviously, only the "infallible" Popes. Of course there are a few heretical theomaniacs and a few morbid moral sentimentalists who assume to act as if they had attained infallibility like unto the Popes. From some viewpoints all others claiming to possess such an inerrant yardstick for measuring the truth and the righteous should submit to a psychiatric examination.

Father Ryan again adds to the clarity of the situation when he says: "Here we shall merely repeat that *all men of good will can find and recognize* the true religion [in the Church of the 'infallible' Popes], and when it is recognized and adopted by the vast majority of the citizens, the State ought to protect them, by all legitimate means, *against the advocacy of false religious notions.*" (P. 56.)

Again Father Ryan says: "While the language of this [first] Amendment seems to guarantee unlimited freedom of speech and of the press, it has never been so interpreted by the lawmakers, or the courts. Rather has it been construed as that reasonable degree of liberty of speech and writing, which had prevailed in the American colonies and England for generations." (P. 278.) Here Father Ryan makes his description of the judicial attitude much more inclusive than I have hereinabove

done. That makes it easier for Roman Catholic judges of the future. All that is necessary is to read into "that reasonable degree of liberty of speech and writing" of Protestant judicial precedents, the Roman Catholic conception of reasonableness. Then we will have the whole of the Roman Catholic doctrine actually established by law, without even amending our constitutions. It is all so easy and wonderful, and above all so "infallibly" true and "infallibly" right, *for Father Ryan*. But, how is it for Gov. Smith? What kind of judges will Alfred E. Smith as President nominate for the Courts of the United States?

Someone has sent me a marked copy of "Bulletin: Sons and Daughters of Washington," Albany, N. Y., Oct., 1927. Therein it says: "In our August Bulletin we named twenty-one men whom he [Gov. Smith] had appointed as judges [in N. Y. State], every one of them a Roman Catholic." Let us hope that this includes some exaggeration. Some of these judges may have had an "erroneous conscience." But how many? Were there really any among them who, consciously or otherwise, were not dominated by some theocratic predisposition? Was there one among them who will now exhibit and endorse a thorough secularist's attitude of mind, as I have hereinbefore defined that? Is there one of these twenty-one judges who will approach a constitutional problem as a thorough secularist would approach it? Answers to these questions would give us some light on the kind of judges that Alfred E. Smith, as President of these United States, might appoint. But such an inference might be less accurate than specific information from the Governor himself.

## CHAPTER XIX.

### TOLERANCE AND RELIGIOUS EQUALITY.

In some earlier chapters, there was exhibited in brief outline a part of the historic conflict for papal supremacy. Thus it appeared that in past centuries the "infallible" Popes possessed a power over European humans that was almost co-extensive with and equal to the enforcement of the papal claim of divine authority. We have likewise had an exhibition of the kind of reasoning by which those past tyrannies and the Pope's supremacy were justified. Thus it appears that the "infallible" Popes have a special meaning for "tolerance," different from the conception which is now held by many non-Catholics. The question then is: Have the "infallible and unchangeable" Popes changed their conception of "tolerance"? If not, then does Alfred E. Smith repudiate that conception, or will he attempt to promote its larger acceptance and enforcement?

Then Europe was rife with bloody persecutions, Roman Catholic inquisitions, religious revolutions, and international religio-political intrigue and religious wars. All these matters which I now have in mind, and which were briefly and partly outlined in earlier chapters, were the unavoidable means for maintaining, what was then called the supremacy of the Pope's divine authority over temporal matters. In America it is now more fashionable to speak of it as the supremacy of the Pope's spiritual jurisdiction in all matters of "morals," that is to say, all temporal matters which are or shall become of sufficient importance to the Roman Catholic Church, to be regarded *by it*, as being within the Pope's undefined and therefore elastic conception of "moral theology." Will Alfred E. Smith as President promote or hinder the development of another such ideal Roman Catholic State? It is not enough to be told that the complete realization of such a dream is five thousand years off. What some would like to know is: Will Gov. Smith seek to hasten or to delay the realization of such an ideal?

Before proceeding to the analysis of the Catholic defini-

tion of tolerance, I must for the benefit of erring "liberals" discuss Protestant intolerance. Of course it is true that some Protestants have also been fanatical persecutors. Although there are still some fanatics among them, we do not generally charge such past Protestant persecution against all the Protestants of the present. Is it not therefore unfair to suspect Roman Catholics as a whole of wishing for a power to renew persecution? The parallel between Romanists' and Protestants' persecution is not so perfect as the mere verbal parallel suggests.

No Protestant church as an organized body, or by the uniform teaching of its accredited spokesmen, so far as I know, is now *authoritatively committed even to a theological, unchangeable, or infallible guidance, as to the morality of its past persecution of dissenters*. This cannot be said of the Roman Catholic Church. No Protestant church claims and receives any unquestioning obedience to any present or future single leader, who may again find persecution expedient or satisfying to his lust for power. In these all-important respects the analogy between Protestants and Roman Catholics fails.

It is, however, perfectly true that we cannot be wholly right in concluding that every Roman Catholic must consciously and of necessity be a persecutor, even though it should prove true that every Prelate of that Church adheres to the infallibility of former beliefs and practices about the righteousness and justice of persecuting the heretics, schismatics, and witches. However, the continuing claims of infallibility and unchangeableness for the Church of that past, may well make us cautious and suspicious. Even a very liberal and tolerant Roman Catholic President, in a non-Catholic nation, might by very reason of his personal preference for the tolerance of heretics, his seeming modernism and his innocence of any ulterior aims, be most effective to promote the prestige of a Church that will not act as he does, when it gets the full power, which he will help it to gain. Unless by his own mental attitude, Gov. Smith makes himself a thing apart from that portion of the alleged social polity of his Church, he must stand or fall by its apparent past record and present affirmations. Let us now, so far as we can, approach this most important issue, of tolerance and Gov. Smith's candidacy, with an open mind. Let us



begin with Mr. Marshall's quotations and supplement these with others. Then let us regard critically all that Gov. Smith has signed upon the subject. Thereupon we may ask ourselves, whether or not the influence of Gov. Smith's election will, in the long run, accelerate or retard the growth toward a modern, scientific spirit of tolerance, especially in relation to the Roman Catholic conception of "moral theology."

In his "Open Letter" Mr. Marshall quoted the *Catholic Encyclopedia* as declaring that the Roman Catholic Church "regards dogmatic intolerance, not alone as her incontestable right, but as her sacred duty." To this Gov. Smith answered as follows: "If you had read the whole of that article in the *Catholic Encyclopedia*, you would know that *the real meaning of these words* is that for Catholics alone the Church recognizes no deviation from complete acceptance of its dogma." Is that so? If that had been "the real meaning," it would probably have been expressed with unmistakable precision. The writers for this *Encyclopedia* show very great skill for stating without ambiguity everything that can truthfully be said, and which will lessen the prejudices or opposition of non-Catholics. This process of reading into this text what no words thereof imply, may still be legitimate enough, if the same authority has elsewhere expressed the thought, which Gov. Smith wishes to read into the text quoted by Mr. Marshall from the *Encyclopedia*.

So then we ask ourselves: Have the accredited spokesmen of the Roman Catholic Church ever taught for Roman Catholic consumption, in a Roman Catholic textbook, that intolerance by Catholics is *never to be shown*, for the public repudiation and discredit of Roman Catholic dogmas, *except against Catholics*?

If there had been any such explicit teaching, Father Duffy would have quoted it, in the letter signed by Gov. Smith. No such explicit teaching was offered. If now the uniform teaching for Catholics by the accredited spokesmen of the Roman Catholic Church is the opposite of the inference which Father Duffy put into Gov. Smith's letter, then that inference is inaccurate and misleading.

What then have the accredited spokesmen taught to Catholics upon this subject? Mr. Marshall quoted Pope Leo XIII as follows: "It would be very erroneous to

draw the conclusion that in America is to be sought the type of most desirable status of the Church." And again: "The [Roman Catholic] Church indeed deems it *unlawful to place the various forms of divine worship on the same footing as the true religion*, but does not on that account condemn those rulers who for the sake of seeking some great good [to the Church] or hindering some great evil, allow patiently custom or usage to be a kind of sanction for each kind of religion, having its place in the State." Gov. Smith nowhere repudiated these papal sentiments. Others consider this mere temporary patient endurance, of the present approximate equality, until the power exists for imposing inequality, to imply the very essence of an intolerant attitude of mind. Perhaps then Gov. Smith is only using the word "tolerance" in a different sense than do his critics. More of that later.

Perhaps Gov. Smith uses his words in harmony with some special technical meaning attached to them, by Roman Catholic casuists. Again I go to Father Ryan, who according to Gov. Smith voices "the best Catholic thought upon this subject," and who for me is a never failing supply of robust frankness. Now let Father Ryan tell us what tolerance or liberty of conscience means, when it is *properly* understood by Roman Catholics. Father Ryan says: "Another liberty is widely advocated, namely, liberty of conscience. If by this is meant that everyone may, as he chooses, worship God or not, it is sufficiently refuted by the argument already adduced. But, *it may also be taken to mean that every man in the State may follow the will of God* [according to the Pope's 'infallibility'] from a consciousness of duty and free from every [heretical] obstacle, obey his commands. *This indeed is true liberty.*" Now all is made clear. Gov. Smith can believe in all that which secularists call intolerance, and yet in the Roman Catholic sense can say that he believes in complete tolerance and absolute freedom of conscience for all men. However, when these convictions are expressed in the vocabulary of a secularist, they amount only to this: He believes in the absolute equality and freedom of conscience for all men to find and join the only true Church. *This freedom of conscience means freedom from heretical propaganda.* Only those deny *that conception of equality and liberty of con-*

*science* who insist that heretics be given the same status as the only true Church, and so be allowed, *by heretical argument*, to impede the drift (liberty) of some who otherwise might find their way into the Roman Catholic Church.

Judging Romanists by their past, and the continuing claim of papal infallibility and unchangeability, we see that every "faithful son of the Church" is unfortunately but logically under an alternative of suspicions. Such a one must either appear as lacking in orthodoxy, or else appear as being willing to execute intolerance toward dispensers of the "poisonous food of error." This intolerance will be made effective just as soon as God supplies the necessary power to accompany the "divine authority" and the Church's commands. However, such imputations must be very tentative indeed, as applied to Gov. Smith. Every revolt toward liberalism has been supported by some "perverse priest" and some "pestiferous laymen" with "erroneous consciences." Notwithstanding the "infallible" denunciations of liberalism, our Governor may yet head a liberal revolt, in the sense of supporting anti-papal supremacy.

Let us next seek a clear view of the doctrine of "tolerance," as that is *now* taught by the accredited spokesmen of the Roman Catholic Church, and then ask the Governor to specifically contradict them and repudiate the authority usually ascribed to their source. General denials do not help us, unless we know a lot of detail about the mental content which is symbolized by the general words. Under the most despotic theocracy "conscience" *as such* has always been free, *provided* we could keep the "heretical" contents a secret. Punishment attached only to the matter of giving public exhibitions of heresy in speech or conduct, and so making of it a "scandal" for the Church. Thus our Governor's statement that he believes "in absolute freedom of conscience" may be without practical workability in one sense, or is valueless in the light of his Church's teaching and definition of tolerance. Let us see what that teaching is.

In reply to Mr. Marshall's imputations and questions as to the tolerance of heretics, Gov. Smith said this in part: "I, a devout [Roman] Catholic since my childhood, never heard of them [Roman teachings of intoler-

ance] until I read your letter." Further on, again writing about the teaching of intolerance toward non-Catholics our Governor says: "My summary answer is: I and all my children went to a parochial school. I never heard of any such stuff being taught, or of anybody who claimed that it was. That any group of Catholics would teach it is unthinkable."

In reply, Mr. Marshall's second letter contains these paragraphs: "I quote from the 'Manual of Christian Doctrine,' published by John Joseph McVey (Philadelphia, 1926) under the *imprimatur* of Archbishop Dougherty, now Cardinal. The book is stated in its preface to be a manual of religious instruction not only in the novitiate and scholastic of teaching congregations but also in high schools, academies and colleges. It is now in the forty-eighth edition. I insert for obvious reasons, the words parenthesized.

"In what order or respect is the State subordinate to the [Roman Catholic] Church?" Answer—"In the spiritual order and *in all things referring to that order.*

"What right has the Pope in virtue of this supremacy?" Answer—"The right to annul those laws or acts of Government that would injure the salvation of souls or attack the natural rights of citizens.

"What more should the State do than respect the rights and liberty of the [Roman Catholic] Church?" Answer—"The State should also aid, protect and defend the [Roman Catholic] Church.

"What then is the principal obligation of heads of States?" Answer—"Their principal obligation is to practice the [Roman] Catholic religion themselves, and, as they are in power to protect and defend it.

"Has the State the right and the duty to proscribe schism or heresy?" Answer—"Yes, it has the right and the duty to do so, both for the good of the nation and for that of the faithful themselves; for religious unity is the principal foundation of social unity." (McVey, p. 132.)

"When may the State tolerate dissenting worships?" Answer—"When these worships have acquired a sort of legal existence consecrated by time and accorded by treaties or covenants.

"May the State separate itself from the [Roman Cath-



olic] Church?" Answer—"No, because it may not withdraw from the supreme law of Christ.

"What name is given to the doctrine that the State has neither the right nor the duty to be united to the [Roman Catholic] Church to protect it?" Answer—"This doctrine is called liberalism. It is founded principally on the fact that modern society rests on liberty of conscience and of worship, on liberty of speech and of the press.

"Why is liberalism to be condemned?" Answer—"Because it denies all subordination of the State to the [Roman Catholic] Church, because it confounds liberty with right; because it despises the social dominion of Christ, and rejects the benefit derived therefrom." (McVey, pp. 132, 133.)

In response to this, it was publicly admitted by Catholics that this text-book was in use in some Roman Catholic schools. What Gov. Smith called "unthinkable" was actually happening. It remains that no ecclesiast was found for quotation by Gov. Smith, who expressed the opinion that in schismatics, heretics, pantheists, agnostics, or atheists should be on terms of equality with Roman Catholics *in a Roman Catholic controlled State*. This could scarcely be, without giving up the claim of papal infallibility and supremacy. So far as I am informed, not one important Roman Catholic ecclesiast has ever upheld extreme secularism in government as a matter of permanent patriotic policy, duty, or loyalty, when the Roman Catholic Church had the power to destroy the secularism of government.

Now, admitting that Gov. Smith personally had no previous knowledge that such doctrines were actually being taught in Roman Catholic schools, it does not follow that he would not conform to such teachings when the time is right and his Church demands. It still remains for him to give us specific information as to what his Roman Catholic-trained conscience will prompt him to do about it, now that he is better informed. When he discovers that such "unthinkable" doctrines are actually being taught in some of the schools of his Roman Catholic Church, and that in none of them is any text-book used which teaches approvingly, specifically, and unequivocally the contrary doctrine, of a duty always

and under all circumstances to promote a thorough secularism, will that create in Gov. Smith any conflict of loyalties? If not, what is his particular intellectual method for reconciliation? In what sense does he use the words, when Gov. Smith says: "I believe in absolute freedom of conscience for all men?" My perverse mind makes me suspicious of the emotionalism that finds expression in terms of *absolutes*. Many of us know that "absolute freedom" is only theoretically possible in a theoretical community of absolutely perfect beings. So it seems an inevitable conclusion that the Governor's words do not and cannot be expressing an objective "absolute freedom," but only a subjective enthusiasm about the use of words which will promote his candidacy. But such enthusiastic overstatements usually carry a psychologic implication of an equally intense, though sometimes unconscious, attachment to the contrary idea.

In view of the Governor's devotion to his Church, and his avowed fealty to its Popes, I cannot assume that he means to renounce the authority or contradict the quite uniform teachings of the accredited spokesmen of his Church, unless his words do unavoidably, unequivocally and *very specifically* express such renunciation and contradiction. Here, as always, we must assume that Romanists intend their words to symbolize the same obvious and unequivocal meaning as that which is uniformly expressed by the Popes. If it is possible to construe the Governor's words, or infer the accompanying mental content, so as to avoid such a conflict, then we must do so. This is one indispensable safeguard against the self-deception of the non-Romanists, and is a sound rule of construction.

In this spirit, we must endeavor to get the subjective import of the last quoted statements from the Governor. By way of again emphasizing the utter impossibility of giving to it any practical meaning, we need only to revert to an earlier chapter, where questions were asked of a variety of religionists. If some religious consciences demand polygamy as a religious duty or a divine reward for piety; others compulsory life-long monogamy; and many conscientiously insist upon easy divorce; still others upon a divinely imposed compulsory sexual promiscuity, and a fifth upon a complete sexual continence, then would

Governor Smith's "absolute freedom of conscience for all" mean that in these conscientious practices he would really give them all legal equality for living their conscientious convictions? He may be sufficiently heretical to mean that, but some of us would like to be more specifically reassured, by the Governor, before believing this of him.

So then, in relation to the last quotation from Gov. Smith, we ask ourselves: Is there, in the Governor's letter, anything else which can give us any hint as to the objective tendency of those impulses which expressed themselves in such objectively meaningless over-statement, as that last above quoted? It seems to me he has given a clue, both as to his emotional content and its objective meaning for him, when a test case will come to him.

The letter signed by Gov. Smith quotes the Rev. Fr. John A. Ryan, Professor of Moral Theology at the Catholic University of America, as "*voicing the best Catholic thought.*" Please remember that phrase until we get to the end of Father Ryan. The quotation from Father Ryan is used by the framers of Gov. Smith's letter, to show that Mr. Marshall's quotation from the Popes do not mean what Mr. Marshall thinks they mean. In order to show just what is taught in the Catholic University of America, and to bring out the fuller meaning of Father Ryan's words, I will quote from his book some passages, other than those quoted by Father Duffy in the letter signed by Gov. Smith.

Now let us read Father Ryan's conception of religious toleration. He has been writing about the necessity for States to recognize officially the Roman Catholic religion. He continues: "Does State recognition of the [Roman] Catholic religion necessarily imply that no other religion should be tolerated?" Of course not! But how tolerated? Father Ryan will answer us. "Should such persons be permitted to practice their own forms of worship? If these are carried on within the family, or in such an inconspicuous manner as to be an occasion neither of scandal *nor of perversion to the faithful*, they may properly be tolerated by the State. At least this is the approved [Roman] Catholic doctrine concerning the rights of the non-baptized. \* \* \*

"Quite distinct from the performance of false religious worship and preaching to the members of the erring sect is the *propagation of the false doctrines among Catholics*. This could become a source of injury, a positive menace, to the religious welfare of true believers. *Against such an evil they have a right of protection by the Catholic state.* \* \* \* Rights are merely means to rational ends. Since no rational end is promoted by the dissemination of *false doctrine* [such as Protestants, Agnostics and other heretics hold] there exists no right to indulge in this practice. *The fact that individuals may in good faith think that this is false religion is true gives no more right to propagate it than the sincerity of the alien anarchist entitles him to advocate his abominable political theories in the United States, or than the perverted ethical notions of the dealer in obscene literature confers upon him a right to corrupt the morals of the community* \* \* \*. Now the actions of preaching and writing are at once capable of becoming quite as injurious to the commonwealth as other action, and quite as subject to rational restraint."

In anticipation of the displeasure of Protestants the Reverend Father says this: "Superficial champions of religious liberty will promptly and indignantly denounce the foregoing propositions as the essence of intolerance. They are intolerant, but not thereby unreasonable. *Error has not the same rights as truth.* \* \* \* How can error have rights? \* \* \* The men who defend the principle of toleration for all varieties of religious opinion, assume either that all religions are equally true, or that the true cannot be distinguished from the false. On no other ground is it logically possible to accept the theory of discriminate and universal toleration.

"To the objection that the foregoing arguments can be turned against Catholics by a non-Catholic State, there are two replies. First, if such a State should prohibit Catholic worship or preaching on the plea that it was wrong and injurious to the community, the assumption would be false; therefore the two cases are not parallel. Second, *a Protestant State could not logically take such an attitude.* \* \* \* *The Protestant principle of private judgment logically implies that Catholics may be right*



in their religious convictions, and that they have a right to hold and preach them without molestation.

“Nevertheless, we cannot yield up the principles of eternal and unchangeable truth in order to avoid the enmity of such unreasonable persons.”

Further Father Ryan says: “Constitutions may be changed and non-Catholic sects may decline to such a point that *the political proscription of them may become feasible and expedient.*” (The State and the Church, pp. 35-9.)

Now remember these are the teachings of Dr. John A. Ryan, Professor of Moral Theology at the Catholic University of America. Remember also that Gov. Smith signed a statement saying that Father Ryan is “voicing the best [Roman] Catholic thought upon this subject.” Does that suggest anything as to the psychologic imperatives of Alfred E. Smith in relation to his above quoted meaningless phrase? Will he not kindly help us to avoid self-deception, in our effort to read a meaning into his meaningless, because impossible *absolutes*?

Of course, “as conditions exist today, \* \* \* it is necessary to extend political toleration to dissenting sects, which exist in virtue of a fact historically accomplished.” Now I continue from Father Ryan: “But constitutions can be changed, and non-Catholic sects may decline to such a point that the political proscription of them may become feasible and expedient. What protection would they then have against a Catholic State? *The latter could logically tolerate only such religious activities as were confined to the members of the dissenting group. It could not permit them to carry on general propaganda.*” (P. 38.)

Gov. Smith signed this: “I believe in absolute freedom of conscience for all men, and in equality of all churches, all sects, and all beliefs before the [present] law as a matter of right, and not as a matter of favor.” That is only the acceptance of “a fact historically accomplished,” and not a statement of Gov. Smith’s permanent policy, in renunciation of such Romanist teachings as I have been quoting, especially from Father Ryan. Once more we find that the statement signed by Gov. Smith is quite meaningless for those who wish to know his actual attitude over this highly controversial subject.

Gov. Smith is no theologian. So he got Father Duffy to write these "theological" views for him. Gov. Smith is probably quite honest when he signed the statement saying he had never heard of such teachings, as I have quoted from Father Ryan. Since the letter signed by Gov. Smith quoted Father Ryan, and derived nearly all of its other quotations from Father Ryan's book, it becomes apparent that Gov. Smith never read the book, else he would have been familiar with the "unthinkable" teachings which I have quoted from it. Not having read the book he could not have been expressing any personal judgment made from any comparative study, where his letter says that Father Ryan expresses the best Catholic thought upon these subjects. Now it begins to look as if Alfred E. Smith should not be held responsible for any of the quibbles contained in the letter signed by him. Maybe Father Duffy put something over on the Governor. Anyhow we would like something realistic and frank in Al. Smith's best style, which is not his "laugh and a wink," nor the quibbling evasive methods of some "prudent directors." We would like to get at the actual mental content of the real Al. Smith. It isn't very interesting to just know what he can be induced to sign upon a subject as to which he has obviously given more feeling than independent thought.

## CHAPTER XX.

### CHURCH AND STATE.

All the specific problems which have been so far discussed are but subdivisions, or aspects, of the larger problem of the union of Church and State.

The Emperor Constantine soon after his conversion to Christianity, "exempted the clergy from personal taxation, and from civil duties, granted privileges to the Church, and bestowed donations to aid its progress." (History of the Christian Religion from the fourth to the twelfth century, by J. B. Carwithen and A. Lyall.) Such is the essence of theocracy. Such a union of Church and State is in effect now, in spite of the fact that we refuse to make a formal constitutional acknowledgment of the fact.

Among the general privileges of the Church granted by Constantine, we find the following still in force in these United States: The exemption of Church property from taxation; the exemption of the clergy from such civil duties as jury service, and from military service; also in the State and municipal support of an ever-increasing number of clergymen and lay religious teachers, as municipal chaplains in fire and police departments, in public schools, in legislative halls; in the appropriations to ecclesiastically controlled orphanages, and homes for the aged and indigent. All public money so expended is really used for sectarian propaganda. We must also remember the legislation for Christian holidays consecrated to thanksgiving and other religious exercises; placing school buildings at the disposal of churches for religious exercises. Father Ryan recites all these as proof that, although we have constitutional provisions "ensuring the separation of Church and State \* \* \*, nevertheless our Federal and State governments have never adopted such a policy." The practical question then is, will Gov. Smith, as President, promote the theocratic or the secular tendency?

The accredited spokesmen of the Roman Catholic Church uniformly demand the more thorough union of

the State with the Roman Catholic conception of Christianity. A little of this material will now be exhibited, before we proceed to an analysis of Gov. Smith's statements, to show their inadequacy for meeting the issue. Says the Catholic Encyclopedia: "The complete secularism of all public institutions in a Christian [that is, Roman Catholic] nation is therefore inadmissible." (Vol. 13, p. 677.) And again: "Hence there is no possible compromise between the [Roman Catholic] Church and secularism." Probably all thorough secularists agree. With which party does Gov. Smith throw his influence?

Papal supremacy, as that is uniformly interpreted and applied by accredited Roman Catholic spokesmen, seems to involve something far more thorough than is ordinarily implied in a union of Church and State. (Cath. Encyc., Vol. 4, pp. 251-2, 769; also Ryan, *State and Church*, pp. 42 to 55, and p. 204.) It really means the absolute dictatorship of the Pope in all matters of social, economic, political, and international morals. How far will Gov. Smith, as President, become a willing instrument for the promotion of that Papal dictatorship?

Sometimes people deny a union of Church and State, meaning only to assert the absence of its formal acknowledgment, while yet permitting all the practical substance of such a union. Is it in that sense in which Gov. Smith believes in the separation of Church and State? Father Ryan tells us that we will avoid much "false reasoning on this subject" if we remember that "the principle of union between Church and State is not necessarily dependent upon *any particular form of union* that has actually *been in operation*." *State and Church*, p. 34.)

Does Gov. Smith mean to say that he is opposed to continuing all concrete factors of such a union as those which Father Duffy enumerated? Does Gov. Smith desire to extend such union as now exists? Does he mean to repudiate "the principle of union between Church and State," or does he have in mind and oppose only some "particular form of union that has actually been in operation?" We may be sure that he will oppose the extension of any union between the State, and all false and heretical conceptions of Christianity, except as that may be a means of advancing the precedents upon which his own Church



must depend. In his public letter Gov. Smith says: "The law of the land is built upon the commandments of God." I assume that Gov. Smith did not mean, that the law of the land should be built upon an "heretical" and "erroneous" conception of the commandments of God. If not in fulfillment of, or in harmony with "the only true" (the Roman Catholic) conception of God's will, as that is made known through the infallible Pope, they are properly speaking not laws at all. This theory of the Governor's is the very essence of a theocracy, the very thing that had obtained, and that was to be destroyed by our constitutional guarantees for a separation of Church and State. At any rate, this is the conclusion of some who use the historic method of constitutional interpretation. If now we combine his acknowledgment of Papal supremacy, for deciding what are the Commandments of God, with Gov. Smith's statement that "the law of the land is built upon the Commandments of God," then we may develop a perfect and complete union of the State and the Roman Catholic Church, without even amending our Constitution in the least. It is only necessary to have faithful legislators and judges who will interpret the constitution in harmony with the Pope's conception of the Commandments of God.

It will be a surprise to some, that in the very same document in which Gov. Smith made the above quoted statement, that he also said: "I believe in the absolute separation of Church and State." From some non-Catholic's way of interpreting words, these statements cannot both be true. But, as I have often indicated, there are different ways of interpreting our constitutions, just as there are different ways of interpreting the Bible, or the words of the letter signed by Gov. Smith. If we may infer the Governor's psychology from the letter signed by him, then these apparent contradictions will imply no intellectual dishonesty on his part. In all probability they only mean that for him these words have no objective meaning, but are mere symbols of some of his conflicting emotions. Obviously it is a case where "it is not a question of external existence, but of internal truth." From this viewpoint the contradictory statements quoted above are only symptomatic of the unreconciled impulses of their author, whoever that may be. When his Roman

Catholic-trained compulsions are uppermost in consciousness, he can say: "The law of the land is built upon the Commandments of God. There can be no conflict between them." Obviously this can only be true in so far as "God" through his Roman Catholic followers absolutely dominates the State, and because therefore Church and State are practically one, even though separated only as a matter of legal fiction, or constitutional rhetoric. However, when Gov. Smith's political ambition is uppermost in consciousness, then the emotional necessities compel the author to disclaim such a unity and identity by these words: "I believe in the absolute separation of Church and State." He is probably perfectly sincere in both statements, because obviously he is unable to co-ordinate the usual objective import of both sets of words. I say that this is obviously so, because otherwise the two statements would not have been made in the same short letter. The two conflicting theories of government, which some others may see in the last quoted statements, may remain for our Governor as if in two separate airtight and watertight compartments of his mental life. That which for others appears as an inconsistency, is then only a symptom of the very general affliction of unco-ordinated (dissociated) psychologic trends. It is precisely such dominant subjectivism which may create the Governor's popularity in our moron civilization. I insist that this is not intellectual dishonesty, even if the Governor had personally written both statements. It is merely mental incapacity. The two contradictory statements simply could not have been made in the same document, if the author's split personality had not prevented him from seeing, at one time, both of the statements as in their literal objective meanings. I prefer this explanation, to the one that the Governor himself is personally responsible for what must otherwise be regarded as discreditable quibbling. It has already been pointed out, that in order to see an accomplished and very complete union of Church and State, and yet be able honestly to deny its existence, it is only necessary to be ignorant of the historical interpretation of the general language of our constitutions, and then read into that language all the concrete necessities of our parochially trained conscientious predispositions. Such immature intellectual methods are very commonly

used, and are sometimes miscalled constitutional interpretation.

In an earlier chapter, it was pointed out that one might assert a belief in the separation of Church and State, in various senses. The meaning would depend first upon whether one is merely speaking of something that is approximately and historically accomplished. Accompanying this, one may wish that existing condition to be permanent, or temporary, and therefore to be changed as soon as the power shall exist. That desired change may increase the secularism of the State or it may increase the theocratic control.

Again it was shown that one may believe in a separation of Church and State, with great differences as to the respective jurisdiction of the two. If the Church is to have supreme jurisdiction over all "moral" problems, there might be little or nothing left, of a *purely* secular nature, over which the civil government alone is supreme. So once more we ask Gov. Smith to define the outer boundary of the Pope's supremacy as to faith and morals. Without such a definition his declaration is quite meaningless.

So long as the Pope, through the automatically working conscience of enough Catholics, is the final arbiter as to the jurisdiction of both Church and State, or the secular and religious sphere, and as to what is God's will, which is to be enacted into law or read into our constitutions under the guise of interpreting them, there could never be any conflict for Roman Catholics, such as is presupposed when non-Catholics talk about "interference" of the Church in matters of State. However, with different non-Catholic conception of the provinces of religion, and of a secular state, a very obvious and even a bitter conflict might arise.

So then we are just as ignorant as ever about Gov. Smith's mental content when he uses the apparently contradictory phrases about the laws of God being the basis for the laws of man, and yet believing in an absolute separation of Church and State. If he does not wish us to be "self-deceived" he will surely come forward with more exact information.

## CHAPTER XXI.

### AN OPEN LETTER TO

HON. ALFRED E. SMITH.

*My dear Sir:* Ever since your name has been discussed as a possible President of these United States, there has been much curiosity and some open hostility as to your supposed or real attitude on the proper relationship of our civil government to the Pope, to the Roman Catholic Church and to other churches. All of this doubt and conflict centers around the claim made for the Pope's infallibility and supremacy of jurisdiction over or in the State, in all matters of morals, including social, economic and political and international morals.

Mr. Marshall summarized this in a single paragraph as follows: "Citizens who waver in your support would ask whether, as a Roman Catholic, you accept as authoritative the teaching of the Roman Catholic Church that in case of contradiction, making it impossible for the jurisdiction of that Church and the jurisdiction of the State to agree, the jurisdiction of the Church shall prevail; whether as statesman, you accept the teaching of the Supreme Court of the United States that, in matters of religious practices, which in the opinion of the State are inconsistent with its peace and safety, the jurisdiction of the State shall prevail; and if you accept both teachings, how you will reconcile them." Your personal opinion upon this conflict could have been stated in a very few words. AS TO YOUR PERSONAL OPINION CONCERNING THIS ISSUE OF SUPREMACY YOU UTTERED NOT ONE WORD.

Instead of a matter-of-fact, plain, direct, and unequivocal statement of your personal attitude of mind, the letter signed by you resorted to indirection, emotionalism and equivocation even about the incidentals, and wholly evaded the above quoted crucial question. For the moment I am assuming that your answer expressed more of Father Duffy than of yourself. Many others beside yourself appear to have become thus self-deceived as to the causes for doubt and the real nature of the issues. I have attempted to clarify those issues, and to exhibit



a little more of the historic justification for curiosity about your position. So I hope to make you and others see, that the letter signed by you and published in the *Atlantic Monthly* cannot satisfy the intelligent secularist readers of it.

I am not in the least interested, in any competition that may exist as between Roman Catholic and Protestant theocrats, as to the kind of sectarian bias which shall control a future theocratic United States. Neither is the sixty per cent of the unchurched population interested in that conflict. With all thorough secularists, whether Agnostic, Protestant, or Catholic, I am interested to oppose *all* theocratic aggressions and advances. Furthermore, I agree with Father Ryan that we do not now have a thorough separation of the State from the Churches.

What all Protestants or other secularists wish to know is this: Why did you fail to answer the one crucial question which Mr. Marshall put to you? Was it you or Father Duffy's fault? Why not answer it now, and in such a way that from you we may know your answer to these following incidental questions, namely: Given the power to do as you desire, would you enlarge the influence and authority of the social polity of the Roman Catholic Church? Or, would you seek to make our government more thoroughly secular? In your long political career, what, if any, of the social polity of your Church have you openly opposed? What, if any, political act on your part was ever performed with the design to make our government more thoroughly secular? These questions are all very simple. Your personal mental attitude could have been explicitly stated in the beginning, without the help of a theologian or of a lawyer. These questions can still be unequivocally answered by you in a very few words. Will you now give us such an answer?

If your Roman Catholic-trained sense of honor is sufficiently refined, you will be unwilling to accept the office of President, upon the basis of the voters' "self-deception" or any false implications as to your position. Then you will still make a full and unequivocal exposition of your mental content, concerning this very important question. If you persist in following your previous advisers, and are content to rest your cause on the meaningless phrases which have been so far published by you, then

all secularists will resolve their doubts against you. We will then be justified in assuming that you cannot serve the people as a secularist democrat, and must have the concealed motive of using democratic forms and claims to promote the interests of a Papal theocracy.

THEODORE SCHROEDER.

FREDERIKSTEDT,  
VIRGIN ISLANDS.  
Jan. 7, 1928.



















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